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STATUTES

OF THE

PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE

FORTIETH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE SECOND SESSION OF THE THIRD PARLIAMENT OF ONTARIO,

BEGUN AND HOLDEN AT TORONTO, ON THE THIRD DAY OF JANUARY, IN THE YEAR OF OUR LORD
ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

1877



212046
9. 5. 27

HIS HONOUR
THE HONOURABLE DONALD ALEXANDER MACDONALD,
LIEUTENANT-GOVERNOR.

Toronto:
PRINTED BY JOHN NOTMAN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

ANNO DOMINI, 1877.



STATUTES

OF THE

PROVINCE OF ONTARIO

AS ENACTED IN THE SESSION 1890

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

IN THE SECOND SESSION OF THE THIRD PARLIAMENT OF ONTARIO

PRINTED BY HUNTER, ROSE AND COMPANY, TORONTO, 1890.

HUNTER, ROSE AND COMPANY
PRINTERS, TORONTO.



ANNO QUADRAGESIMO.

VICTORIÆ REGINÆ.

CHAP. 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-seven, and to provide for certain sums expended for the public service in the year one thousand eight hundred and seventy-five.

[Assented to 2nd March, 1877.]

MOST GRACIOUS SOVEREIGN :—

WHEREAS it appears by Messages from His Honour the Preamble.
Honourable Donald Alexander Macdonald, Lieutenant-Governor of Ontario, and the Estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy-seven, and to make good certain expenditures made in the year one thousand eight hundred and seventy-five : May it therefore please Your Majesty, that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of two million six hundred and twenty-four thousand six hundred and two dollars and thirty-eight cents, for defraying the several charges and expenses of the Civil Government of this Province, for the year one thousand eight hundred and seventy-seven, and of other services for the year one thousand eight hundred and seventy-five, as set forth in Schedule "A" to this Act.

\$2,624,602.38.
granted out of
the Consoli-
dated Revenue
Fund for cer-
tain purposes.

Accounts to be laid before the Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys.

3. Any part of the money appropriated by this Act, which shall be unexpended on the thirty-first day of December, one thousand eight hundred and seventy-seven, shall not be expended thereafter.

Expenditure to be accounted for to Her Majesty.

4. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

SCHEDULE "A."

Sums granted to Her Majesty by this Act for the year one thousand eight hundred and seventy-seven, and the purposes for which they are granted.

Civil Government :

To defray the expenses of Salaries and Contingencies of the several Departments at Toronto.

Government House.....	\$ 5,512 00	
Lieutenant-Governor's Office	3,350 00	
Executive Council and Attorney-General's Office.	15,170 00	
Treasury Department.....	21,200 00	
Secretary and Registrar's Office	22,200 00	
Department of Public Works.....	20,022 00	
" of Agriculture	1,200 00	
" Immigration	1,400 00	
Public Institutions	6,650 00	
Crown Lands Department	52,060 00	
Miscellaneous.....	10,210 00	
		\$158,974 00

Legislation :

To defray expenses of Legislation	\$131,550 00
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Administration of Justice :

To defray expenses of Court of Chancery.....	\$ 20,145 00	
Court of Queen's Bench	9,520 00	
Court of Common Pleas.....	5,360 00	
Superior Judges and Court of Appeal	15,610 00	
Practice and other Courts	4,860 00	
Criminal Justice	163,200 00	
Miscellaneous	58,772 50	
		\$277,467 50

Education :

To defray expenses of	
Public and Separate Schools.....	\$240,000 00
Inspection of Public and Separate Schools....	28,600 00
Schools in New and Poor Townships.....	12,000 00
Collegiate Institutes and High Schools.....	78,000 00

Inspection

Inspection of Collegiate Institutes and High

Schools	\$8,200 00
Central Committee of Examiners.....	6,450 00
Training of Public School Teachers.....	12,250 00
Superannuated High and Public School Teachers	35,500 00
Normal and Model Schools (Toronto), Salaries, and Contingencies	26,750 00
Provincial Educational Museum and Library...	3,950 00
Journal of Education.....	2,360 00
Maps, Apparatus, Library and Prize Books....	60,000 00
Educational Depository, Salaries and Contin- gencies.....	9,205 00
Education Office.....	24,850 00
Normal School, Ottawa	13,850 00

\$561,965 00
Public Institutions—Maintenance :

To defray expenses of	
Asylum for the Insane, Toronto.....	\$ 87,048 00
“ “ London	88,727 37
Asylum for the Insane, Rockwood, Kingston...	52,195 00
“ “ Hamilton	36,435 61
“ “ Orillia.....	22,518 00
Provincial Reformatory, Penetanguishene.....	23,817 10
Central Prison	47,890 00
Institution for the Deaf and Dumb, Belleville...	39,016 96
“ “ Blind, Brantford.....	25,995 00
School of Agriculture, Guelph	17,360 00
“ Practical Science.....	5,690 00

\$446,693 04
Immigration :

To defray expenses of agencies in Europe.....	\$7,800 00
“ “ Canada	2,400 00
Dominion Government to meet proportion of charges for forwarding immigrants to Ontario	10,000 00
Dominion Government Balance on account dur- ing previous year.....	11,637 42
Carriage of immigrants in Ontario, including maintenance	5,000 00
Provision for same, including medical attendance	5,500 00
Assistance by way of payments in reduction of passage money to selected Emigrants, and specially consigned to Ontario.....	10,000 00
Contingencies.....	800 00

\$53,137 42
Agriculture, Arts, Literary and Scientific Institutions :

To defray expenses of	
Electoral Division Societies, 81 at \$700.....	\$56,700 00
“ “ 1 at \$550.....	550 00
“ “ 6 at \$350.....	2,100 00
“ “ outlying districts	300 00
Fruit Growers' Association.....	1,000 00
Entomological Society	750 00
Dairymen's Associations	2,000 00
Agricultural Association.....	10,000 00
Poultry Associations.....	600 00

For

For sundry services in connection with Agriculture and Arts, such as investigations of disease in animals and crops, and of ravages of insects ; and for agricultural instruction, dairy products and other charges not otherwise provided for..... \$2,000 00

Arts :

Mechanics' Institutes... \$23,000 00
 Art Union..... 500 00
 Grant towards establishing a school of Art and Design..... 1,100 00

Literary :

Aid to Canadian Institute, Toronto..... 750 00
 " Institut Canadien, Ottawa..... 300 00
 " Athenæum, Ottawa..... 300 00

Scientific :

To promote scientific research..... 500 00

\$102,450 00

Hospitals and Charities :

To defray expenses of a grant in aid of Hospitals and Charities.....
 For Hospitals and Institutions mentioned in Schedule "A," of Statute..... \$39,614 48
 For Institutions in Schedule "B" of Statute... 10,291 52
 For Institutions in Schedule "C" of Statute... 9,704 90
 Amount required to make appropriation equal to last year..... 4,944 63

\$64,555 53

Miscellaneous Expenditure :

To cover expenses of collection of Revenue for law stamps and licenses..... \$2,500 00
 To cover expenses in connection with Municipalities, and other funds 500 00
 To provide for expenses attending the settlement of the Municipal Loan Fund debt, and surplus schemes..... 600 00
 To provide for expenses, *re* Ontario and Quebec settlement, (re-vote in part)..... 4,000 00
 To provide for expenses *re* Northern and Western boundaries, (re-vote in part)..... 4,000 00
 Marriage licenses, printing and incidentals..... 400 00
 Inspection of Railways..... 500 00
 Ontario Rifle Association..... 600 00
 Insurance on Public Buildings and Furniture ... 2,200 00
 Consolidation of Statute Law 5,000 00
 do do (for advance on type) 7,000 00
 do do (for printing and binding 12,000 sets of two volumes each of Revised Statutes } 30,000 00
 Expenses of Elections 2,000 00
 do Contested Elections..... 1,000 00
 County Court Judges, for expenses of revision of Voters' lists for 1877... } 3,000 00
 County Court Judges travelling expenses in grouped Counties } 1,050 00

Philadelphia

Philadelphia International Exhibition (further expenses in aiding Provincial objects not covered by appropriation of last year) ...	\$4,000 00	
License Law, towards expenses in municipalities in which "Temperance Act of 1864" is in force	2,000 00	
Clerk of Private Bills (on discontinuance of office) equivalent to nine months' salary ..	900 00	
Representatives of late Mr. Gibson, Science Master, Normal School, Ottawa.....	187 50	
Representatives of late Dr. Landor, Medical Superintendent, London Asylum.....	2,000 00	
Representatives late Col. Savage, Registrar of Algoma District.....	200 00	
Representatives of deceased employees at London Asylum, viz:—		
Late J. J. Davy	\$100 00	
" William Howe.....	43 33	
" Alexander Black.....	43 33	
	186 66	
To cover gratuities to officers whose services may be dispensed with	5,000 00	
For repairs and care of Brock's Monument.....	400 00	
		\$79,224 16

Unforeseen and unprovided :

To meet unforeseen and unprovided \$50,000 00

Public Buildings :

To defray expenses of		
Asylum for the Insane, Toronto	\$27,075 00	
do London.....	88,840 00	
Asylum for the Insane, Hamilton.....	103,950 00	
do Orillia.....	6,732 14	
Provincial Reformatory, Penetanguishene	2,900 00	
Central Prison, Toronto.....	15,250 00	
Deaf and Dumb Institute	28,355 00	
Blind Institute	24,025 00	
School of Agriculture	34,800 00	
Education Department and Normal School, Toronto.....	4,800 00	
Normal School, Ottawa....	1,200 00	
Osgoode Hall.....	7,000 00	
Government House	10,000 00	
Parliament Buildings.....	2,500 00	
Algoma District	3,000 00	
Thunder Bay District	4,400 00	
Nipissing District	200 00	
Muskoka District	600 00	
Parry Sound District.....	100 00	
		\$365,727 14

Public Works :

To defray expenses of	
Muskoka River Works	\$4,800 00
Wye River, dredging	7,900 00
Mary and Fairy Lakes Works.....	6,000 00

Scugog

Seugog River crib-work, &c.....	\$1,000 00	
Balsam River, piers and booms to protect } dam, and at outlet of Burnt River..... }	2,000 00	
Gull and Burnt River Works, viz., completion of Norland Dam and slide, Kenn-ess-es Lake Dam, and works on Burnt River	8,000 00	
Surveys, inspections, arbitrations, and awards, and charges not otherwise provided for	5,000 00	
Maintenance of locks, dams, and swing bridges...	2,000 00	
Lock-masters' care-takers', and bridge-tenders' salaries.....	1,700 00	
	<hr/>	\$38,400 00

Colonization Roads :

To defray expenses of construction and repairs ...	\$77,300 00
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Charges on Crown Lands :

To defray expenses on expenditure on account of Crown lands.....	\$91,600 00
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Refund Account :

To defray expenses on Education.....	\$ 750 00	
Crown lands	23,000 00	
Municipalities' Fund	65,062 66	
Land Improvement Fund.....	15,506 61	
Amount of forfeited bail, <i>re</i> Brownlee	911 00	
To pay amounts due by late County Judge, Norfolk, as Real Representative, out of surplus interest in Court of Chancery trans- ferred to Treasurer for this purpose	1,104 45	
	<hr/>	\$106,334 72
To defray the expenses of certain services of the year 1875, as detailed in statement No. 26 of the Public Accounts for 1875		\$19,223 87

Total estimate for 1877 \$2,624,602, 38

CHAP. 2.

An Act to amend and repeal certain enactments of
the last Session of the Legislature of this Province.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

39 V. c. 77
amended.

1. The following parts are hereby repealed of the Act of the
last Session of the Legislature of this Province, entitled "An
Act to amend the Acts relating to the London, Huron and
Bruce

Bruce Railway Company," that is, such parts of the said Act as purport to confer rights or powers upon the Great Western Railway Company, its directors or shareholders: Provided, that nothing in this section contained shall be taken to affect or repeal the powers by the said Act conferred on the London Huron and Bruce Railway Company, its directors or shareholders, so far as the same are within the legislative authority of this Province: Provided also, that The London, Huron, and Bruce Railway Company, its directors and shareholders, shall not exercise the powers conferred upon them except upon and subject to the provisions and terms contained in the fifth and other sections of the said Act mentioned. Proviso.
Proviso.

2. The Act of the said Session, entitled "An Act to incorporate the Niagara Falls and Lake Erie Railway Company, is hereby amended, by inserting the words "which is lawfully empowered to enter into such an agreement," after the word "Ontario" in the third line of the thirty-third section, and after the word "Company" in the third line of the thirty-fourth section: The said sections shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. 39 V. c. 79,
ss. 33 & 34,
amended.

3. The twentieth and twenty-first sections of the Act of the said Session, entitled "An Act to incorporate the Home Fire Insurance Company" are hereby repealed, and the nineteenth section of the same Act is amended by striking out all the words therein after the word "decree" and substituting the words following, namely, "that the business of the said Company as an Insurance Company ought to be discontinued, and it is hereby declared that thenceforward the business of the said Company as an Insurance Company shall be discontinued accordingly, and all the powers of the said Company as an Insurance Company shall cease, and all other powers granted to the said Company shall likewise cease—except so far as may be necessary for holding and disposing of the property, and for the winding up of the affairs of the Company." 39 V. c. 92, ss.
20 and 21 re-
pealed, and s.
19 amended.

4. The seventeenth and eighteenth sections of the Act for the said Session, entitled "An Act to incorporate the Union Fire Insurance Company," are hereby repealed, and the sixteenth section of the same Act is amended by striking out all the words therein after the word "decree" and substituting the words following, namely, "that the business of the said Company as an Insurance Company ought to be discontinued, and it is hereby declared that thenceforward the business of the said Company as an Insurance Company shall be discontinued accordingly, and all the powers of the said Company as an Insurance Company shall cease, and all other powers granted to the said Company shall likewise cease—except so far as may be necessary for holding and disposing of the property, and for the winding up of the affairs of the Company." 39 V. c. 93, ss.
17 and 18 re-
pealed, and s.
16 amended.

CAP.

CHAP. 3.

An Act to amend the Law respecting Escheats and Forfeitures.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of, the Legislative Assembly of the Province of Ontario enacts as follows:

Attorney-General may take possession of, or bring ejectment for, escheated or forfeited lands.

Without inquest of office.

Proceedings.

Lieutenant-Governor in Council may make grants of escheated or forfeited lands.

without entry or inquest of office being first found.

Lieutenant-Governor may release forfeited property

1. Wherever any lands, tenements or hereditaments situate in this Province have escheated to the Crown by reason of the person last seised thereof or entitled thereto having died intestate, and without lawful heirs, or have become forfeited for any cause except crime, the Attorney-General may cause possession of such lands, tenements or hereditaments to be taken in the name of the Crown; or, in case possession is withheld, he may cause an action of ejectment to be brought for the recovery thereof, without any inquisition being first necessary.

2. The proceedings in such action of ejectment may be in all respects similar to those in other actions of ejectment.

3. The Lieutenant-Governor in Council may make any grant of lands, tenements or hereditaments, which have so escheated or become forfeited for any cause except crime or shall hereafter have so escheated or become forfeited, or, of any portion thereof or of any interest therein, to any person, for the purpose of transferring or restoring the same to any person or persons having a legal or moral claim upon the person to whom the same had belonged, or of carrying into effect any disposition thereof which such person may have contemplated, or of rewarding any person making discovery of the escheat or forfeiture, as to the Lieutenant-Governor in Council shall seem meet.

4. Any such grant may be made without actual entry or inquisition being first necessary, and although such lands, tenements or hereditaments shall not be in the actual possession of the Crown, and notwithstanding that some person may claim title thereto adversely to the person whose estates the same had been; and in case possession of the said lands, tenements, or hereditaments is withheld, the person to whom such grant is made shall thereupon be entitled to institute in any Court of competent jurisdiction proceedings for the recovery of said lands, tenements or hereditaments.

5. Where a forfeiture takes place of any lands, tenements or hereditaments, or any interest therein, as aforesaid, the Lieutenant-Governor in Council may waive or release any right which

which the Crown may thereby have become entitled to, so as, or waive the forfeiture. by such waiver or release, to vest the property, either absolutely or otherwise, in the persons who would have been entitled thereto but for such forfeiture; and such waiver or release may be either for valuable consideration or otherwise, and may be upon such terms and conditions as to the Lieutenant-Governor in Council shall seem fit.

6. The Lieutenant-Governor in Council may make any assignment of personal property to which the Crown is entitled by reason of the person last entitled thereto having died intestate and without leaving any kin or other persons entitled to succeed thereto, or by reason of the same having become forfeited to the Crown for any cause except crime, or may make an assignment of any portion of such personal property, for the purpose of transferring or restoring the same to any person or persons having a legal or moral claim upon the person to whom the same had belonged, or for carrying into effect any disposition thereof which such person may have contemplated, or of rewarding any person making discovery of the escheat or forfeiture, as to the Lieutenant-Governor in Council shall seem meet.

Lieutenant-Governor in Council may assign personalty escheated or forfeited.

CHAP. 4.

An Act respecting the administration of Estates of Intestates dying without known relatives in Ontario.

[Assented to 2nd March, 1877.]

WHEREAS it is necessary upon the death of persons dying in Ontario intestate and without any known relatives that some person should be authorized to assume administration of their estates in order to prevent them being wasted or lost, Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. When any person dies in this Province intestate either in whole or in part, and without leaving any known relatives living within the said Province, or any known relatives who can be readily communicated with living elsewhere, His Honour, the Lieutenant-Governor may (if he thinks fit), by warrant under his privy seal direct the Attorney-General for the Province of Ontario for the time being, to apply for and obtain letters of administration, whether general or limited, of the personal estate and effects of any such person; and it shall be lawful

Attorney-General may obtain letters of administration of certain intestates.

lawful for any competent Court in this Province upon application in pursuance of such warrant, to grant administration accordingly to the said Attorney-General by his name of office, and his successors in the office of Attorney-General for Ontario, for the use and benefit of Her Majesty or of such persons as may ultimately appear to be entitled thereto.

36 V. c. 21 to
apply to ap-
plications
under this Act.

2. The provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, entitled "An Act respecting the Administration of Estates of Intestates in which the Crown is interested," shall apply to any application made under this Act and to any grant made thereunder.

Power to sell
the real estate
of the intes-
tate.

3. When administration is granted to the Attorney-General for Ontario under the said Act or under this Act, the Lieutenant-Governor in Council may direct the sale, either by public auction or private sale, of any real estate (including any interest in any real estate), to which the intestate died entitled; and the said Attorney-General shall thereupon be authorized to sell in accordance with the directions of any Order in Council in that behalf, the whole, or any part of the real estate aforesaid, and to convey the same to the purchaser or purchasers; and every such conveyance by the Attorney-General or his successor in office as aforesaid shall be as valid and effectual as if the deceased were alive at the time of the making thereof, and had executed the same, but shall not have any further validity.

Rights of rela-
tions after the
issue of ad-
ministration.

4. In case subsequently to the grant of administration under either of the said Acts, it should be alleged or ascertained that the deceased has relatives or did not die intestate, the Attorney-General for Ontario may, if he thinks fit, exercise, subject to the discretion of the Lieutenant-Governor in Council, all or any of the powers by this Act conferred until some person or persons is or are appointed by some court or courts of competent jurisdiction to deal with the real estate of the deceased; and notwithstanding any such appointment, any sale made in pursuance of this Act may be completed by the execution by the Attorney-General of a conveyance; and until the revocation of the letters granted, the Attorney-General may exercise fully all the powers vested in him as administrator of the personal estate of the deceased.

Enquiry as to
the rights of
Her Majesty.

5. In any case where administration is taken out under the provisions of either of the said Acts, the Attorney-General may apply to the Court of Chancery for an order for the making of such enquiries as may be necessary to determine whether or not Her Majesty is entitled to any portion of the real or personal estate of the deceased on account of the deceased dying intestate and without heirs or next of kin, or otherwise. Any decree made upon such enquiry shall, unless reversed on appeal, be final and conclusive.

6. Moneys realized from estates to which the Attorney-General is administrator under either of the said Acts shall be kept in a separate account in such bank or invested in such manner as the Lieutenant-Governor may from time to time appoint, and all moneys which have been unclaimed for ten years shall from time to time be paid into the Consolidated Revenue Fund of Ontario.

Disposition of moneys.

7. Any person proving his title to any such moneys shall be entitled to receive the same with interest at such a rate as the Lieutenant-Governor shall, having regard to the rate realized therefrom, from time to time direct.

Interest allowable to persons entitled to moneys.

8. Any one claiming to be entitled to any such estate or to any interest therein or to any part of the proceeds thereof, may apply to the Court of Chancery upon petition for an order or decree declaring his rights in respect thereto; and the said Court may thereupon order such enquiries as may be necessary to determine the same and may finally adjudicate thereupon; but no application under this section shall be entertained unless security for costs is given by the applicant in case the Attorney-General thinks fit to demand the same.

Rights of persons having claims upon the estate.

9. The Attorney-General may deduct from any moneys received on account of any estate all disbursements made by him in respect of any enquiries which he may have considered it expedient to make before taking out administration, as well as all disbursements otherwise made by him in respect of such estate.

Attorney-General may retain disbursements made in respect of enquiries.

CHAP. 5.

An Act respecting references to the Supreme Court of Canada and the Exchequer Court of Canada, in certain cases.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts (and it is hereby agreed on behalf of the said Province of Ontario) as follows:—

1. The Supreme Court of Canada, and the Exchequer Court of Canada, or the Supreme Court of Canada alone, according to the provisions of the Act of the Parliament of Canada, known as "The Supreme and Exchequer Court Act," shall have jurisdiction in the following cases:—

Supreme Court and Exchequer Court of Canada to have jurisdiction,

1st. Of controversies between the Dominion of Canada and this Province;

in controversies between Canada and Ontario.

2nd.

in controversies between Ontario and certain other Provinces.

in certain cases involving the validity of Acts of Canada or Ontario.

2nd. Of controversies between any other Province of the Dominion, which may have passed an Act similar to this present Act, and this Province;

3rd. Of suits, actions, or proceedings, in which the parties thereto, by their pleadings, shall have raised the question of the validity of an Act of the Parliament of Canada, or of an Act of the Legislature of this Province, when in the opinion of a Judge of the Court in which the same are pending such question is material; and in such case the said Judge shall, at the request of the parties, and may without such request if he thinks fit, order the case to be removed to the Supreme Court in order to the decision of such question.

CHAP. 6.

An Act respecting the Revised Statutes of Ontario.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS it has been found expedient to revise, classify and consolidate the Public General Statutes, which apply to the Province of Ontario and are within the legislative authority of the Legislature of Ontario; And whereas such revision, classification and consolidation have been made accordingly; And whereas it is expedient to provide for the incorporation therewith of the Public General Statutes passed during the present Session, and for giving the force of law to the body of Revised Statutes to result from such incorporation;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Original Roll of Statutes revised, etc., to be certified and deposited.

As to marginal notes, misprints, etc.

1. The printed Roll marked X and attested as that of the said Statutes so revised, classified and consolidated as aforesaid, under the signature of His Honour the Lieutenant-Governor and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Assembly, shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned, as to be repealed in the Schedule A, thereto annexed; but the marginal notes thereon, and the references to former enactments at the foot of the several sections thereof, and the sections printed in bourgeois type, form no part of the said Statutes and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected, and any misprint or error whether of commission or omission, or any contradiction or ambiguity in the said Roll may also be corrected, but without changing the legal effect

effect, and such alterations in the language of said Statutes as are requisite in order to preserve a uniform mode of expression and do not alter the legal effect may be made, and any of the enacting clauses in said Statutes may be printed in bourgeois type, and any of the sections in bourgeois type may be printed among the enacting clauses where proper—in the Roll hereinafter mentioned.

2. The Lieutenant-Governor may select such Acts and parts of Acts passed during the present Session, as he may deem it advisable to incorporate with the said Statutes contained in the said first mentioned Roll, and may cause them to be so incorporated therewith, adapting their form and language to those of the said Statutes (but without changing their effect), inserting them in their proper places in the said Statutes, striking out of the latter any enactments repealed by or inconsistent with those so incorporated, altering the numbering of the chapters and sections, if need be, and adding to the said Schedule A a list of the Acts and parts of Acts of the present Session so incorporated as aforesaid.

Lieutenant-Governor may cause the legislation of this Session to be incorporated with the Statutes in the said Roll.

3. In case the Lieutenant-Governor is advised that any of the Acts or parts of Acts included among the enacting clauses in such first mentioned Roll might be held to be not within the legislative authority of the Legislature of this Province, he may cause them to be omitted from the enacting clauses of the Roll hereinafter mentioned; and in case the Lieutenant-Governor is advised that any Acts or parts of Acts of the late Province of Canada, remaining in force and not included in the enacting clauses of said first mentioned Roll, might be held to be within the legislative authority of the Legislature of this Province, he may cause them to be inserted in the Roll hereinafter mentioned, making such alterations in their language as may be proper, but without changing the legal effect.

Acts in respect to which the jurisdiction of the Provincial Legislature is doubtful.

2. In either of said cases such alterations shall be made in said Schedule A as may by, such omission or insertion, be rendered necessary.

4. So soon as the said incorporation of such Acts, and parts of Acts with the said Statutes, and the said addition to the said Schedule A has been completed, the Lieutenant-Governor may cause a correct printed Roll thereof attested under his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Assembly, which Roll shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as repealed in the amended Schedule A thereto annexed; any marginal notes however, references to former enactments, and sections printed in bourgeois type which may appear thereon being held to form no part of the said Statutes, but to be inserted for convenience of reference only.

Certified Roll including the legislation of the present Session to be deposited and serve as the original thereof

Proclamation
for bringing the
Revised
Statutes into
force on a cer-
tain day.

5. The Lieutenant-Governor in Council, after such deposit of the said last mentioned Roll, may by Proclamation declare the day on, from and after which the same shall come into force and have effect as law, by the designation of "The Revised Statutes of Ontario."

On and after
that day, they
shall be in force
and the
enactments
embodied in
them repealed.

6. On, from and after such day, the same shall accordingly come into force and effect as and by the designation of "The Revised Statutes of Ontario," to all intents as though the same were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after such day; and on, from and after the same day, all the enactments in the several Acts and parts of Acts in such amended Schedule A mentioned, so far as they relate to this Province, shall stand and be repealed to the extent mentioned in the third column of said Schedule A, save only as hereinafter is provided.

Exception:

Repeal not to
extend to Act
over which the
Dominion Par-
liament has
jurisdiction.

7. Such repeal shall not be construed as intended to extend to such of the provisions of said Acts and parts of Acts as relate to subjects in regard to which the Parliament of Canada has exclusive powers of legislation; but the said Acts and parts of Acts (in so far only as is necessary to give effect to every such provision) shall remain in full force and effect, subject however to the tenth section of this Act.

Saving as to
transactions,
etc., anterior
to the repeal.

8. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them: nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or parts of Acts or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Certain mat-
ters anterior to
the repeal not
to be affected
by it,—

9. The repeal of the said Acts and parts of Acts shall not affect—

Penalties, etc.

(a.) Any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal,—

Actions, etc.

(b.) Nor any action, suit, judgment, decree, certificate, execution, process, order, rule, or any proceeding, matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal,—

Acts, deeds,
rights, etc.

(c.) Nor any act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing, had, done, made, acquired, established or existing at the time of such repeal,—

Offices, etc

(d.) Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto, at the time of such repeal,—

(e.)

(e.) Nor any marriage, certificate or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal,—

(f.) Nor shall such repeal defeat, disturb, invalidate or pre-judicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal ;

2. But every such

But the same shall remain valid, etc.

Penalty, forfeiture and liability, and every such

Action, suit, judgment, decree, certificate, execution, prosecution, order, rule, proceeding, matter or thing, and every such

Act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing, and every such

Office, appointment, commission, salary, allowance, security and duty, and every such

Marriage, certificate and registry thereof, and every such other matter and thing, and the force and effect thereof, respectively,

may and shall, both at Law and in Equity, remain and continue as if no such repeal had taken place, and so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the said Revised Statutes and other the statutes and laws having force in this Province, so far as applicable thereto, and subject to the provisions of the said several statutes and laws.

And may be enforced, etc., and under what laws.

10. The said Revised Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Revised Statutes are substituted.

Revised Statutes not to be deemed new Laws.

2. The various provisions in the Revised Statutes corresponding to and substituted for the provisions of the Acts and parts of Acts so repealed, shall, where they are the same in effect as those of the Acts and parts of Acts so repealed, be held to operate retrospectively as well as prospectively, and to have been passed upon the days respectively upon which the Acts and parts of Acts so repealed came into effect.

How construed where the same in effect as the repealed Acts.

3. But if upon any point the provisions of the said Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Revised Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

How construed if in any case they differ from the repealed Acts.

11. Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed,

As to references to repealed Acts, in

former Acts, repealed, shall, after the Revised Statutes take effect, be held, etc. as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Revised Statutes having the same effect as such repealed Act or enactment.

12. The insertion of any Act in the said Schedule A shall not be construed as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Revised Statutes.

13. Copies of the said Revised Statutes, printed by the Queen's Printer from the amended Roll so deposited, shall be received as evidence of the said Revised Statutes in all Courts and places whatsoever.

14. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Revised Statutes, but the same shall be distributed in such numbers and to such persons only as the Lieutenant-Governor in Council may direct.

15. This Act shall be printed with the said Revised Statutes, and shall be subject to the same rules of construction as the said Revised Statutes.

16. Any chapter of the said Revised Statutes may be cited and referred to in any Act or proceeding whatever, either by its title as an Act, or by its short title, or by using the expression "The Revised Statute respecting—" (adding the remainder of the title given at the beginning of the particular chapter), or by using the expression "The Revised Statutes or The Revised Statutes of Ontario, chapter " (adding the number of the particular chapter in the copies printed by the Queen's Printer.)

CHAP. 7.

An Act to provide for certain amendments and additions to the Statutes of the Province, as consolidated by the Commissioners appointed for that purpose.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS it has been found expedient to revise, classify, and consolidate the Public General Statutes which apply to this Province, and are within the legislative authority of its Legislature; And whereas, such revision, classification and consolidation have been made accordingly, and a Roll, marked X and

and attested as that of the said Statutes so revised, classified and consolidated as aforesaid, under the signature of His Honour the Lieutenant-Governor, and that of the Clerk of the Legislative Assembly, has been deposited in the office of the Clerk of the Legislative Assembly ; And whereas, it is intended that the Lieutenant-Governor may select such Acts and parts of Acts, passed during the present Session, as he may deem it advisable to incorporate with the said Statutes contained in the said Roll, and may cause them to be so incorporated therewith ; And whereas it is intended that so soon as such incorporation has been completed, the Lieutenant-Governor may cause a correct printed Roll thereof, attested under his signature, and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Assembly, and that the Lieutenant-Governor, after such deposit of the said last mentioned Roll, may, by Proclamation, declare the day on from and after which the same shall come into force, and have effect as law, by the designation of "The Revised Statutes of Ontario" ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Besides incorporating the other Acts and parts of Acts, passed during the present Session of the Legislature, which may be selected for that purpose by the Lieutenant-Governor, as aforesaid, the Roll X which has been so deposited as aforesaid shall be amended in the particulars and to the extent in this Act and the Schedules thereto mentioned, and such amendments shall go into effect, as part of the Revised Statutes of Ontario, on, from and after the day declared by said Proclamation as aforesaid.

Amendments
to the Revised
Statutes of
Ontario.

2. The Acts and parts of Acts mentioned in Schedule B hereto annexed, to the extent mentioned in the third column of said Schedule, are hereby repealed so far as they relate to matters within the authority of the Legislature of Ontario.

Repeal of
certain Acts
mentioned in
Schedule B.

3. The amendments and additions made by this Act, and Schedule A thereto, may be incorporated with the Statutes contained in said Roll at places other than those herein designated, anything to the contrary herein notwithstanding, and such alteration may be made in the language of the provisions of this Act, as may seem requisite in order to preserve a uniform mode of expression throughout such Roll, and as do not alter the legal effect.

Incorporation
of amend-
ments made by
this Act in
the Revised
Statutes.

SCHEDULE A.

SHOWING ACTS AND PARTS OF ACTS AMENDED.

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(1) Chapter 7, re- specting Terri- torial Districts.	By inserting after the word "bind" in the sixth line of sub-section three of the thirteenth section, the words "goods or."
(2) Chapter 10, re- specting Elec- tions to the Legis- lative Assembly.	By striking out all the words in the tenth, eleventh, and twelfth lines of section twenty-three, and substituting therefor the words "(d) Every Judge of a Court having general jurisdiction throughout Ontario, or having local jurisdiction throughout any County or other territorial division."
(3) Same chapter.	By inserting at the beginning of section one hundred and eighty-two, the words "subject to the provisions of sections one hundred and seventy-five and one hundred and seventy-six."
(4) Chapter 11, re- specting Contro- verted Elections.	By striking out the word "petitioners" in the last line of section eleven, and substituting the words "persons furnishing the same."
(5) Same chapter.	By striking out the words "every election petition which alleges" in the first line of section thirty-eight, and substituting the words "allegations of," and by striking out the word "of" where it occurs after the word "or" in the sixth line, and substituting the word "by."
(6) Same chapter.	By striking out the words "Every petition other than as aforesaid and except where it" in section thirty-nine, and substituting the words "Every petition shall, except as aforesaid, and except where the petition."
(7) Same chapter.	By striking out the first two lines of section forty-nine, and substituting the words "In case the member elect is entitled to take his seat, the trial of the election petition shall not, without his consent, be held during a."
(8) Chapter 12, re- specting the Leg- islative Assem- bly.	By striking out the last line of section sixty, and substituting the following: "of such sum as may from time to time be appropriated for the purpose."
(9) Chapter 14, re- specting Depu- ties of the Lieu- tenant-Governor	By striking out all the words after the word "Province," in the fourth line of section one, and substituting the words "for the purpose of executing marriage licenses, money warrants and commissions under any Act of the Legislature of Ontario."
(10) Chapter 15, re- specting Public Officers.	By striking out the word "and" in the tenth line of section ten, and the word "said" in the fifteenth line, and by transferring the words commencing with the word "and" in the eighth line, and ending with the word "Peace" in the tenth line, and inserting them after the word "Province" in the last line.
(11) Same chapter.	By adding at the end of section twenty-five the following clause: "The interim receipt of such Company may be accepted in lieu of the formal security, but the formal security shall be completed within one month."

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(12) Same chapter.	<p>By striking out the words "the obligor (<i>or one of the sureties</i>)," in the first and second lines of the form of affidavit given in Schedule A, and substituting therefor the words "one of the sureties" and by striking out paragraphs 1 and 2 in said form and substituting the following :—</p> <ol style="list-style-type: none"> 1. I am seised and possessed to my own use of real (or real and personal) estate in the Province of Ontario of the actual value of (<i>the amount for which the party has become liable on the bond,</i>) dollars over and above all charges and incumbrances affecting the same. 2. (<i>Where the party has real estate.</i>) The said real estate consists of (<i>describing the property.</i>) 3. I am worth (<i>the amount for which the party has become liable by the bond,</i>) dollars over and above my just debts. 4. My post office address is as follows : (<i>insert name of the post-office.</i>)
(13) Chapter 16, re- specting Sheriffs.	<p>By striking out paragraph two of the form of affidavit given in Schedule C, and substituting the following :—</p> <ol style="list-style-type: none"> 2. (<i>Where the party has real estate.</i>) The said real estate consists of (<i>describe the property.</i>) 3. I am worth (<i>the amount for which the party has become liable by the covenant,</i>) dollars over and above my just debts. 4. My post office address is as follows : (<i>insert name of the post office.</i>)
(14) Chapter 22, re- specting the Land Tax in Algoma.	By inserting after the word "sale" in the last line of section twenty-seven, the words "in duplicate."
(15) Same chapter.	By striking out the whole of section twenty-nine, and substituting the following :—"29. The Registrar or Deputy Registrar of the said Provisional District of Algoma, upon production of the duplicate deed, shall enter the same in the registry book, and give a certificate of such entry and registration in accordance with <i>The Registry Act</i> ; but all deeds heretofore executed may be registered in the manner heretofore in force."
(16) Chapter 23, re- specting the Public Lands	By striking out the words "three months after the making of such deed," in the seventeenth and eighteenth lines of section sixteen, and substituting the words "two years from the time of sale."
(17) Same chapter.	By inserting after the word "nominee" in the fifth line of section nineteen, the words "or any one claiming under him."
(18) Chapter 28, re- specting the Clergy Reserves.	By inserting the word "Dominion," before the word "Provincial," in the fifth line of section seven.
(19) Chapter 29, re- specting the Public Works.	By inserting after the word "auction," in the second line of the second sub-section of section sixteen, the words "except leases for a term not exceeding five years, which leases may be made without tender or public auction."
(20) Same chapter.	By striking out the words "who in the absence of the Commissioner shall be chief officer of the Department," in section three.

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(21) Same chapter.	By striking out the words "and works," in the third line of section six, and the words "Public Works and repairs" in the eleventh line of the same section.
(22) Chapter 33, re- specting Drain- age Aid.	By transposing Schedules A and B, so that Schedule A as hereinafter amended shall be Schedule B, and Schedule B as hereinafter amended shall be Schedule A, and by substituting the words "Clerk of the Municipality" for "Reeve or other head officer" in the heading of Schedule A, and the word "Clerk" for the word "(Reeve)" in the fourth line of Schedule A, and by substituting the words "Reeve or other head officer" for the words "Clerk of the Municipality," in the heading of Schedule B, and the word "Reeve" for the word "Clerk" in the fourth line of Schedule B.
(23) Chapter 35, re- specting the Re- gistration of Births, Mar- riages & Deaths.	By inserting at the end of section three, the words "but this section shall not apply to any Municipality within any of the Districts referred to in the next succeeding section."
(24) Same chapter.	By substituting the word "may" for the word "shall" in the first line of section four.
(25) Chapter 36, respecting the Court of Appeal.	By inserting after the word "appointed" in the fourth line of section two, the words "from time to time."
(26) Same chapter.	By striking out the words "The Justices of Appeal, other than the Chief Justice, shall" in the first line of section six, and substituting therefore the words "The Chief Justice and Justices of Appeal may;" and by striking out the word "and" where it occurs before the word "hearing" in the fifth line, and substituting the word "or."
(27) Same chapter.	<p>By striking out sections fifteen, sixteen and seventeen, and substituting therefor the following provisions :</p> <p>15. The Court shall have an appellate jurisdiction in both civil and criminal cases ; and an appeal shall lie thereto from every judgment of any of the Superior Courts, or of a Judge sitting alone as and for any of such Courts in a cause or matter depending in any of the said Courts, or under any of the powers given by <i>The Administration of Justice Act</i>, including judgments,</p> <p>(a.) Upon any case stated by an Arbitrator, or upon any appeal authorized by law from the decision of any Arbitrator or Referee, or upon any motion to set aside or refer back an award ;</p> <p>(b.) Upon any motion for the issue of a writ of mandamus, or upon any question arising upon the return of such writ ;</p> <p>(c.) Upon any application for a rule to quash a by-law of a municipal corporation in whole or in part, whether a rule <i>nisi</i> has been refused, discharged, or made absolute.</p>

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
	<p>2. No other appeal from a decision of either of the Superior Courts of Law shall be allowed, unless the judgment, decision or other matter appealed against appears of record.</p> <p>3. Where a new trial is granted or refused upon matter of discretion only, as on the ground that the verdict is against the weight of evidence or otherwise, no appeal shall be allowed.</p> <p>16. All appeals from a judgment, decision, rule, or order of either of the Superior Courts of Law shall be brought to a hearing within one year after giving of the judgment, decision, rule, or order appealed from, or the entry of the judgment in respect to which error is alleged, or within such further time as the Court of Appeal may allow.</p>
(28) Same chapter.	By striking out all the words in section eighteen after the word "faith" in the third line.
(29) Same chapter.	By inserting after the word "allowed" in the first line of section twenty-three, the words following: "unless notice thereof is given in writing to the opposite party and to the Clerk of the Crown and Pleas or Registrar of the proper Court within one month after the judgment complained of, or within such further time as the Court appealed from or a Judge thereof may allow, nor."
(30) Same chapter.	<p>By striking out sections twenty-seven, twenty-eight, twenty-nine, thirty-two, thirty-three, thirty-four, thirty-five and forty-four, and substituting therefor the following provisions:</p> <p>27. A party desirous of appealing from any judgment shall file a notice of appeal with the Registrar of the Court of Appeal, and serve a copy thereof on the respondent, his solicitor or agent, before giving the security required by this Act.</p> <p>2. Such notice may be in the following form:</p> <p style="text-align: center;">"IN THE COURT OF (Q. B., CHY. or C. P.)</p> <p>"Between A. B., Plaintiff (Appellant or Respondent), and C. D., Defendant (Respondent or Appellant), (<i>or as the case may require</i>).</p> <p>Take notice that A. B. the above named Plaintiff hereby appeals from the (judgment, decree, rule, order or decision) pronounced in this cause (<i>or matter</i>), by this Court (<i>or by Mr. Justice</i>), on the day of 18 , whereby a rule <i>nisi</i>, obtained by the Plaintiff for a new trial, was discharged (<i>or as the case may be</i>).</p> <p>28. The appeal shall be a step in the cause or matter in which the judgment complained of was given, and shall be upon a case to be stated by the parties, or in the event of difference to be settled by the Court appealed from, or a Judge thereof, and shall set forth the judgment objected to, and so much of the pleadings, evidence, affidavits, documents, and the ruling or judgment objected to, as may be necessary to raise the question for the decision of the Court of Appeal.</p>

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
	<p>2. When the case has been so stated and settled, the same shall be forthwith delivered by the appellant to the Registrar of the Court of Appeal.</p>
	<p>29. The appellant shall, at least four clear days before the day appointed for hearing the argument or such other time as may be fixed by the general rules of the Court of Appeal, deliver to the Registrar a copy for each of the Judges of the transcript of the judgment or case, with such further or other matter and particulars as may be directed by such rules, or in default the appeal may be dismissed with costs.</p>
(31) Same chapter.	<p>By striking out the words "Either party alleging error in law may" in the first line of section thirty-six, and substituting therefor the words "Where the ground of appeal is that there is error in law the appellant may, instead of preparing a case as in the <i>twenty-eighth</i> section mentioned."</p>
(32) Same chapter.	<p>By striking out the words "together with a statement of the grounds of error intended to be argued" in the fourth and fifth lines of the thirty-seventh section.</p>
(33) Same chapter.	<p>By striking out the fortieth section, and substituting therefor the following:—</p>
	<p>40. In case the respondent contends that such proceeding in error is barred by release of error or other matter of fact he may apply to the Court appealed from or a Judge thereof, who shall thereupon give such direction and make such order for the convenient determination of such contention as may appear necessary.</p>
(34) Same chapter.	<p>By striking out all the words in section forty-one after the word "thereof" in the fifth line of said section, and substituting the following: "the respondent, his executors or administrators may apply to the Court appealed from or a Judge thereof for an order dismissing the appeal for want of prosecution."</p>
(35) Same chapter.	<p>By striking out sections forty-five to fifty-one both inclusive, and section fifty-three, and substituting therefor the following section.</p>
	<p>45. In case of the proceedings becoming defective by the death of any of the parties, transmission of interest, or any other cause, the appeal shall not thereby be abated, but the appellant, or his proper representative, may take all proper proceedings according to the practice of the Court appealed from, for reviving and continuing the proceedings by and against the proper parties; or in case of the appellant or his proper representative omitting to take such proceedings within three months after the proceedings have so become defective, or such further time as the Court or a Judge may allow, the respondent or his proper representative may apply to the Court appealed from or a Judge thereof to dismiss the appeal for want of prosecution.</p>

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(36) Same chapter.	By striking out the words "four years" in the third line of section fifty-seven, and substituting therefor the words "one year"; and by striking out all the words of the said section after the word "completed" in the fourth line.
(37) Chapter 37, respecting the Superior Courts of Law.	By striking out sections thirty-five and thirty six, and substituting therefor the following as section thirty-five :—"The Lieutenant-Governor may, from time to time, appoint, during pleasure, to each of the said Courts separately, a Clerk of the Crown and Pleas, and to both of the said Courts jointly, a Clerk of the Process, and to either of said Courts, such other clerks and officers as the business of the Courts respectively may from time to time require, and such officers and clerks shall in addition to any of the duties usually performed by the like officers and clerks, perform such duties as the Courts respectively may from time to time direct."
(38) Chapter 38, respecting the Court of Chancery.	By striking out sections seven, eight, and twelve, and substituting therefor the following as section seven :—"The Lieutenant-Governor may, from time to time, appoint, during pleasure, one Master in Ordinary, one Accountant, one Registrar, one Referee in Chambers, one Clerk of Records and Writs, two Assistant Registrars, and such other clerks and officers as the business of the Court may from time to time require, and such officers and clerks shall, in addition to any of the duties usually performed by the like officers and clerks, perform such duties as the Court may from time to time by General Order or otherwise direct."
(39) Same chapter.	By striking out the first eight lines of section nine, and substituting the words "The Referee in Chambers shall perform the duties indicated in section <i>twenty-seven</i> of this Act, and shall, for the purpose of expediting business in the Master's office, take such references or parts of references made, or usually made, to the Master in Ordinary, and none other, as the said Master," and by striking out the word "who" in the tenth line, and substituting the words "Referee in Chambers."
(40) Same chapter.	By substituting at the beginning of section ten, the words "Any officer of the said Court," for the words "Any Clerk of the Master in Ordinary," and by striking out the words "or the Master" in the second line and the words "or Master" in the fifth line, and by striking out all of the words after the word "direct," in the fifth line.
(41) Same chapter.	By striking out the words "such Referee may adjourn any motion in Chambers in respect to any of such excepted matters" in the nineteenth and twentieth lines of section twenty-seven, and substituting the words "or there is no Judge sitting in Chambers upon the day on which any motion in respect to any of such excepted matters is returnable, the Referee may adjourn such motion."
(42) Same chapter.	By striking out all the words of the forty-second section after the word "decree" where it occurs in the eleventh line, and substituting the words "by the Clerk of Records and Writs, any Deputy

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
	Deputy Registrar or other officer authorized by the Court to sign the same ; and such certificate may be under the seal of the Court, or under the seal of office (if any) of the officer signing the same."
(43) Same chapter.	By striking out the words "the Master of the Court" in the third line of section fifty, and substituting the words "any officer of the Court or other person appointed by the Court to execute the same."
(44) Same chapter.	By inserting after the word "being" in the fifth line of the fourth sub-section of section fifty-five, the words "or other officer appointed by the Court."
(45) Same chapter.	By inserting after the word "Court" in the first line of section sixty-one, the words "or a Judge."
(46) Same chapter.	By inserting after the word "of" in the fifth line of section sixty-two, the words "the Clerk of Records and Writs or of."
(47) Same chapter.	By striking out the word "seven" in the third line of section seventy-four, and substituting the word "fourteen."
(48) Same chapter.	By inserting after the word "Writs" in the third line of section eighty-one, the words "or by any Deputy Registrar," and by inserting at the end the words "and such certificates may be under the seal of the Court or under the seal of office (if any) of the officer signing the same."
(49) Same chapter.	By striking out all the words between the word "serve" in the seventh line and the word "but" in the tenth line of section eighty-four, and substituting the words "his Attorney in the action at law in which the judgment has been recovered, with the process of the Court, whether the same be an office copy of the bill or an office copy of the decree or decretal order, or any other order or notice which the Court by General Order may direct, and whether the same be issued by the Court or by any officer thereof."
(50) Same chapter.	By inserting after the word "defendant" in the first line of section eighty-five, the words "or respondent."
(51) Same chapter.	By inserting after the word "Court" in the fifth line of section ninety-two, the words "or Master or the Referee in Chambers."
(52) Chapter 39, respecting Courts of Assize, &c.	By inserting between the words "by" and "one," in the third line of section seven, the words "the Chief Justice or."
(53) Same chapter.	By striking out the words "from illness of the Judge or from unavoidable detention at the last Assize town, or from other casualty" in the first and second lines of sections thirteen and thirteen (a).
(54) Same chapter.	By striking out the word "eight," in the eighth line of section thirteen (a), and substituting the word "six."

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(55) Chapter 40, re- specting County Court Judges.	By striking out the words "In case no Junior Judge be appointed" in the first line of section six; and by inserting the words "in any case" after the word "may" in the second line of the same section.
(56) Same chapter.	By striking out the words "or is unavoidably absent or absent on leave," in the third and fourth lines of the second sub-section of section six, and substituting the words "or absent."
(57) Same chapter.	By striking out the words "unavoidable absence, or the absence on leave" in the second and third lines of section seven, and substituting the words "or absence."
(58) Same chapter.	By inserting after the word "Judge" in the first line of section ten, the words "not including a Deputy Judge."
(59) Same chapter.	By inserting at the end of section eleven, the words "subject, however, to the general regulation and supervision of the senior Judge."
(60) Chapter 44, re- specting Surro- gate Courts.	By inserting after the word "death" in the ninth line of section fifteen, the words "and in other cases the grant of probate or letters of administration shall belong to the Surrogate Court of any County."
(61) Same chapter.	By striking out the word "Chancery" in the sixth line of section thirty-one, and substituting the words "Appeal, or to a single Judge of such Court," and by striking out the word "Chancery" in the tenth line and substituting the words "Appeal or Judge," and by inserting at the end of the section the words "provided that in case of an appeal to a single Judge, he may, in his discretion, and upon such terms as he thinks proper, refer the appeal to the said Court of Appeal."
(62) Same chapter.	By inserting after the word "made" in the eighth line of section thirty-four, the words "or leaving no personal or real property in Ontario, as the case may be."
(63) Same chapter.	By striking out the words "Board of County Judges" in the last line of section seventy-one, and substituting the words "the Judges appointed and authorized to make rules and orders under the <i>eighty-third</i> and <i>eighty-fourth</i> sections of this Act."
(64) Same chapter.	By inserting after the word "appoint" in the second line of section eighty-four the words "one of the Judges of the Court of Appeal."
(65) Same chapter.	By striking out the words and figures following in Schedule A— "Where property devolving is under \$1,200.....\$1 00 Where property devolving is from \$1,200 to \$4,000.... 2 00 Where property devolving is above \$8,000 3 00" and substituting the words and figures following— "Where the property devolving is under \$1,000 0 50 For every additional \$1,000 0 50."
(66) Same chapter.	By striking out the figures "\$4,000" in Schedule B, and substituting "\$3,000," and by striking out the words and figures "above \$8,000.....7.00" and

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
	<p>and substituting the words and figures “from \$3,000 to \$4,000..... 4.00 and so for every additional \$1,000, the additional sum of... 1.00.”</p>
(67) Chapter 45, re- specting Division Courts.	By inserting after the word “Judges” in the first line of section nineteen, the words “or Junior or Deputy Judges,” and by striking out all the words in sub-section two after the word “county” in the first line, and substituting therefor the words “shall (subject to any other arrangement from time to time made with the Senior Judge, or made by the Judges of a County Court District which includes such County) preside over the Division Courts of the County.”
(68) Same chapter.	By striking out the word “unavoidable” in the first line of section twenty.
(69) Same chapter.	By inserting after the word “shall” in the fifth line of section thirty-three, the words “under penalty of forfeiture of his office.”
(70) Same chapter.	By striking out all the words between the word “Court,” in the sixteenth line, and the word “then,” in the seventeenth line of section one hundred and ninety, and substituting therefor the words “in Ontario.”
(71) Same chapter.	By inserting after the word “creditor” in the eighth line of sub-section three of section two hundred and ten, the words “or the claimant.”
(72) Same chapter.	By inserting at the end and as part of sub-section three of section two hundred and thirty-eight, the words “and may for any Division Court division embracing a city, or part of a city, establish a lower tariff of fees from that established for County Division Courts.”
(73) Chapter 46, re- specting Jurors and Juries.	By striking out the words “Queen’s Bench” in the eighth line of section eighty-nine, and substituting the words “Common Pleas.”
(74) Same chapter.	By inserting at the end of section one hundred and seven, the words “and the right of challenge hereby conferred shall extend to the Crown, when a party within the meaning of this section, but this shall not be construed to affect the right of the Crown to cause a juror to stand aside until the panel has been gone through.”
(75) Same chapter.	By striking out the words “of the local Municipality,” in the third line of sub-section seven of the one hundred and seventieth section, and substituting the words “of the County, and shall form part of the fund for the payment of petit jurors under this Act.”
(76) Chapter 47, re- specting the Ad- ministration of Justice.	By inserting at the end of section seventeen, the following as section 17a :—“Any rule or order <i>nisi</i> , or summons to show cause, granted upon an application under sections twelve, thirteen, and fifteen, may contain a description of the land in question, and may upon production of the rule or order <i>nisi</i> or summons or of a duplicate thereof, without proof of signature, be registered in the same manner and with the same effect as a <i>lis pendens</i> may now be registered,

SCHEDULE A.—*Continued.*

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	gistered, in the Registry office for the County, or other Registration Division in which such lands or any part of them are situate, and in case the said rule or order <i>nisi</i> or summons is discharged in whole or in part, the rule or order discharging the same, or a duplicate thereof, may be registered in like manner."
(77) Same chapter.	By inserting the words "or proceeding," after the word "suit," in the fifth and eighth lines of section eighteen, and by inserting after the word "interested" in the twelfth line the words "and may be made at any stage of the suit or proceeding."
(78) Same chapter.	By adding at the end of section twenty, the words "and may be made at any stage of the action or other proceeding."
(79) Chapter 48, The Common Law Procedure Act.	By striking out the words "into any County Court or into the" in the second line of section one hundred and eighteen, and substituting therefor the words "or into the County Court or."
(80) Same chapter.	By inserting at the end of section one hundred and fifty-seven, the words "The examination may be had before a Deputy Clerk of the Crown, or special examiner or local Master in Chancery, without an order, but in such case the Deputy Clerk or special examiner or local Master, upon the affidavit hereinbefore required being filed with him, may issue an appointment for the examination of the party, and in such case he shall return or keep the said affidavit with the depositions taken under the said appointment; and the party proposing to examine may serve the party to be examined with a subpoena and a copy of the appointment."
(81) Same chapter.	By adding to section one hundred and fifty-seven the following clause as sub-section two, "The party so examining as aforesaid, shall cause a copy of the order and appointment (or of the appointment where no order is required) to be served upon the person so to be examined, and upon his attorney, where he has appeared by attorney, at least forty-eight hours before the hour appointed for the examination, and shall pay to the person so to be examined the proper charges for conduct money."
(82) Same chapter.	By inserting after the word "same" in the eleventh line of section one hundred and sixty-two, the words "or a copy thereof certified under the hand of the Clerk or Deputy Clerk of the Crown or Clerk of the County Court as the case may be."
(83) Same chapter.	By striking out the word "award" in the seventh line of section one hundred and eighty-eight, and substituting the word "report," and by inserting after the word "filed" in the tenth line, the words "provided that in cases in either of the Superior Courts where such report or certificate is required to be filed in the City of Toronto it shall be so filed in the office of the Clerk of the Crown of the Court in which the action is depending."
(84) Same chapter.	By inserting at the end of section one hundred and ninety-seven, the words "and an appeal shall lie from any order, judgment, or decision of the County Court Judge to the Court of Appeal, and the proceedings

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
	proceedings and practice on such appeal as to staying proceedings, giving security and otherwise, shall be similar to the proceedings and practice relating to appeals from County Courts to the Court of Appeal."
(85) Same chapter.	By striking out the words "by consent of the parties" in the second line of section two hundred and thirteen.
(86) Same chapter.	By adding at the end of section two hundred and forty-one the following clause :—" And in any case where a countermand is served if it be made to appear that costs have been necessarily incurred by the defendant in procuring the attendance of witnesses from a considerable distance, it shall be in the discretion of the Court or Judge to order the payment of such costs or of any part thereof by the plaintiff to the defendant or to direct that the same shall be costs in the cause or costs in the cause to the defendant."
(87) Same chapter.	By inserting the following between the twenty-third and twenty-fourth lines of section two hundred and forty-two :— 3. Or in either the Superior or County Courts if any case has been brought down to trial and has been made a remanet or a rule or order for a new trial has been granted, and the plaintiff neglects to proceed to trial at the Assizes or Sittings next after the Assizes or Sittings at which the case has been made a remanet or next after the granting of the rule or order for a new trial.
(88) Same chapter.	By striking out section two hundred and forty-five, and substituting the following :— 245. The record of <i>Nisi Prius</i> shall be entered with the Clerk of Assize for trial at the then next ensuing Court of Assize, at any time during the five days next before the commission day of the Assizes for the County, and on said commission day at any time before noon ; but the Judge may permit a record in any suit to be entered after the time above limited, if upon facts disclosed on affidavit, or on the consent of both parties, he sees fit to do so.
(89) Same chapter.	By striking out all the words in section two hundred and ninety-seven after the word "accordingly" in the eighth line.
(90) Same chapter.	By inserting after the word "made" in the third line of section two hundred and ninety-nine, the words "or of any Court of Appeal."
(91) Same chapter.	By inserting after the word "debt" in the tenth line of section three hundred and eighteen the words "and such order and the order mentioned in sections three hundred and fourteen and three hundred and seventeen may be made by the Judge of the County Court of the County in which the judgment has been recovered—except in the County of York."
(92) Chapter 51, respecting Replevin.	By striking out section two and substituting therefor the following : "No party to a suit or proceeding, in any Court, shall replevy or take out of the custody of the Sheriff, Bailiff, or other officer, any

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
	any personal property seized by him under process against such party in such suit or proceeding."
(93) Chapter 52, respecting Interpleader.	By striking out the words and figures "or under any proceedings under The Insolvent Act of 1869," in the fourth line of section nine.
(94) Chapter 59, respecting Witnesses and Evidence.	By striking out of section thirty-one the words "by the Lord Chancellor" in the third line; and by striking out the word "Chancery" in the fourth line and substituting the words "the Supreme Court of Judicature," and by inserting after the word "England" in the fourth line, the words "or before a Judge of the Supreme Court of Judicature, in England, or of the Court of Session or the Justiciary Court, in Scotland, or in the High Court of Chancery, or the Courts of Queen's Bench, Common Pleas, or Exchequer, in Ireland, or before a Judge of any of the County Courts in Great Britain or Ireland within his County," and by inserting after the word "Court" in the tenth line the words "of Record or," and by inserting after the word "thereof" in the twelfth line, the words "or in any foreign country, or, if made in the British possessions in India, before any Magistrate or Collector certified to have been such under the hand of the Governor of such possession, or, if made in Quebec, before a Judge or Prothonotary of the Superior Court or Clerk of the Circuit Court, or before any Consul, Vice-Consul," and by inserting after the word "place" in the thirteenth line the words "or before a Commissioner authorized by the laws of Ontario to take affidavits in and for any of the Courts of Record of the Province."
(95) Same chapter.	By inserting after the word "public," in the fourth line of section thirty-two, the words "or Prothonotary," and by inserting after the word "Magistrate," in the fifth line, the words "or Governor."
(96) Same chapter.	By inserting after the word "same" in the thirteenth line of section thirty-four, the words, "or with the seal of the Court of Chancery, where the probate or letters of administration were granted by the former Court of Probate for Upper Canada."
(97) Same chapter.	By striking out the word "three" in the first line of the third sub-section of section forty-one, and substituting the word "four."
(98) Chapter 63, respecting Execution.	By striking out the words "incorporated Companies" in the first and second lines of section nineteen, and substituting the words "any incorporated Bank or other Company in Ontario having transferable joint stock."
(99) Same chapter.	By striking out the words "or an" in the third line of section twenty, and substituting the words "any such."
(100) Same chapter	By inserting before the word "Company" in the first line of section twenty-two, the word "such."
(101) Same chapter	By inserting after the word "chattels" in the fourth line of section twenty-eight, the words "including leasehold interests in any lands."

SCHEDULE A--*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(102) Chapter 65, respecting Ab- sconding Deb- tors.	By inserting after the word " process " in the tenth line of section two, the words "and was at the time of his so departing possessed of real or personal property, credits or effects, not exempt by law from seizure, to his own use and benefit in this Province."
(103) Chapter 66, respecting Indi- gent Debtors.	By striking out the words " file interrogatories " in the third line of section three, and substituting therefor the words " apply to such Court or Judge for an order that the debtor shall be examined <i>viva voce</i> on oath, before any person specially named by the Court or Judge,"; and by striking out all the words between the word " creditor " in the seventh line, and the word " no " in the twelfth line, and substituting therefor the words " and until the debtor has made full answers respecting the same to the satisfaction of the Court and Judge."
(104) Same chapter	By striking out the words " file and serve such interrogatories " in the second and third lines of section four, and substituting therefor the words " apply for such order for examination ; " and by striking out all the words in the section after the word " has " in the fifth line, and substituting the words " made full answers as aforesaid to the satisfaction of the Court and Judge."
(105) Same chapter	By striking out the words " administering interrogatories to " in the twelfth and thirteenth lines of section five, and substituting therefor the words " the examination of."
(106) Same chapter	By striking out the words " file interrogatories " in the seventh line of section eight, and substituting therefor the words " apply to the Court from which the process issued or any Judge having authority to dispose of matters arising in suits in such Court, for an order that the debtor be examined <i>viva voce</i> on oath, before some person specially named by the Court or Judge ; " and by striking out all the words in the section between the word " property " in the nineteen line, and the word " may " in the twenty-fifth line, and by substituting therefor the words " the Court or Judge making an order for such examination under this Act ; " and by substituting for the word " appointed," in the thirtieth line, the word " named."
(107) Same chapter	By striking out the words in section nine, between the word " that " in the ninth line, and the word " he " in the twelfth line ; and by substituting the words " Court or " for the word " County," in the fourteenth line ; and by striking out the words " where there are interrogatories, if the answer thereto be deemed sufficient by such Court or Judge, or " in the twentieth, twenty-first, and twenty-second lines.
(108) Same chapter	By striking out the words " filed interrogatories or," in the first line of section ten, and the words " to file further interrogatories or " in the fifth line, and the words " to answer them or " in the seventh line.
(109) Chapter 70, respecting sum- mary convictions	By inserting after the word " penalty " in the eighth line of section one, the words " compelling the attendance of the parties or witnesses,

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
	nesses, the hearing of the complaint, the conduct of the Court, the taking and estreating of recognizances."
(110) Chapter 71, respecting Appeals to the County Judge from Justices of the Peace.	By inserting at the end of section three the words "which said proceedings and evidence, with a duplicate of any order made by the Judge as hereinafter provided, shall immediately, after the matter has been finally disposed of by such Judge, be transmitted by the Clerk of the County Court, in manner aforesaid, to the Clerk of the Peace, to be by him kept with the records of convictions."
(111) Chapter 72, respecting Returns of Convictions and fines by Justices of the Peace.	By striking out the seventh column in the form of return given in the first section and substituting therefor two columns headed respectively "Time when to be paid to said Justice" and "Time when paid"; and by amending the heading of the eighth column so as to read as follows:—"To whom paid over by said Justice and when."
(112) Same chapter	By inserting after the word "and" in the third line of section two, the words "also all cases wherein a fine or any part thereof has been paid since the last previous return, and in the column for observations in every such case, shall be written the words 'Paid on case formerly returned;' and such returns."
(113) Chapter 81, respecting the payment of Crown witnesses.	By inserting after the word " <i>subpoena</i> " in the sixth line in section two, the words "or on the request of the Crown Counsel," and by striking out the word "the" in the ninth line and substituting the word "his," and by striking out the words "incurred by him" in the ninth and tenth lines.
(114) Chapter 87, respecting the Law of Property.	By adding at the end of section four, the words "or shall be entitled or may be required to retain the land if the Court is of opinion or requires that such should be done, according as may, under all the circumstances of the case, be most just, making compensation for the land if retained as the Court may direct."
(115) Same chapter	By inserting after the word "the" in the third line of section nine, the words "mortgage money or."
(116) Chapter 90, respecting Mortgages of Real Estate.	By inserting after the word "decree" in the fifth line of section one, the words "or execution," and after the word "mortgagee" in the sixth line, the words "or person."
(117) Chapter 92, respecting Partition and Sale of Real Estate.	By substituting for the words "the petition has been filed" in the seventh and eighth lines of section thirteen the words "such proceedings are to be taken."
(118) Same chapter	By striking out the word "Registrar" where it first occurs in the ninth line of section thirty, and substituting the words "Clerk of Records and Writs."
(119) Same chapter	By inserting between the words "a" and "bond" in the twenty-second line of section forty, the words "covenant or."
(120) Same chapter	By striking out the words "the same and in the same manner as is required

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
	required by law on sales of real estate by Sheriffs on execution" in the second, third, and fourth lines of section fifty, and substituting the words "such time and in such manner as he shall see fit."
(121) Same chapter	By adding at the end of section fifty-four the following sub-section : "2. The Court or Judge may, if it or he thinks fit, direct the interest or an adequate portion thereof, accruing from time to time on any minor's share, to be applied towards his maintenance."
(122) Same chapter	By striking out the words "Registrar of the Surrogate" in the tenth and eleventh lines of section fifty-six, and substituting the words "Clerk of the County."
(123) Same chapter	By striking out the words "Registrar in Chancery" in the sixth line of section sixty-three, and substituting therefor the words "Clerk of Records and Writs in Chancery."
(124) Chapter 103, respecting Registration of Instruments affecting land.	By inserting after the word "Grant" in the second line of section two, the words "Order in Council of the Dominion or of this Province," and by striking out the word "Chancery" in the eleventh line, and substituting the words "any court," and by striking out the words "the Court of Chancery," in the twelfth line, and substituting therefor the words "any Court," and by striking out the words "or city municipality" in the fourteenth and fifteenth lines, and substituting therefor the words "city or town."
(125) Same chapter	By striking out the word "Covenantors" in the fourth line of the second sub-section of section nine, and substituting the word "sureties."
(126) Same chapter	By striking out all the words in the third and fourth lines of the third sub-section of section forty-three, and substituting the words "A Judge of the Supreme Court of Judicature, in England, or of the Court of Session or the Justiciary Court, in Scotland, or of the High Court of Chancery, or of the Courts of Queen's Bench, Common Pleas or Exchequer, in Ireland," and by striking out the words "by the Lord Chancellor," in the eleventh and twelfth lines of the same sub-section, and by striking out the word "Chancery," in the twelfth line of the same sub-section, and substituting the words "the Supreme Court of Judicature," and by striking out the words "for taking," in the thirteenth line, and substituting the words "authorized by the laws of Ontario to take."
(127) Same chapter	By striking out the words "of Record" in the last line of section fifty-nine.
(128) Same chapter	By striking out the words "the production" in the first and second lines of section sixty-one, and substituting the words "producing such Grant or an exemplification."

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(129) Same chapter	By inserting after the word "possession," in the eighth line of section sixty-two, the words "or in any foreign country."
(130) Same chapter	By inserting after the word "County," in the fourth line of section ninety-six, the words "and of all persons whose patents have been cancelled."
(131) Same chapter	<p>By striking out of the form of affidavit in Schedule B, the words "the covenantor in the annexed covenant named (or one of the sureties in the annexed covenant named)" and substituting therefor the words "one of the sureties in the annexed covenant named," and by adding to the form of affidavit the following paragraphs:—</p> <p>2. (<i>Where the party has real estate.</i>) The said real estate consists of (<i>describing the property</i>).</p> <p>3. I am worth (<i>the amount for which the party has become liable by the covenant</i>) dollars over and above my just debts.</p> <p>4. My post office address is as follows: (<i>insert name of the post office</i>).</p>
(132) Chapter 106, respecting Water Privileges.	By striking out the words "either of the Superior Courts of Common Law or to the Court of Chancery" in the third, fourth and fifth lines of section fourteen, and substituting the words "the Court of Appeal," and by striking out the word "Courts" in the fifth line, and substituting the word "Court."
(133) Same chapter	By striking out the word "Courts" in the second line of section fifteen, and substituting the word "Court."
(134) Chapter 111, respecting Mortgages and sales of personal property	By striking out the words "or his agent," in the tenth line of section one, and substituting the words "or of one of several mortgagees, or of the agent of the mortgagee or mortgagees."
(135) Same chapter	By striking out the words "his agent" in the fourteenth line of section eleven, and substituting the words "one of several mortgagees or of the assignee, or one of several assignees, or of the agent of the mortgagee or assignee, or mortgagees or assignees, as the case may be."
(136) Chapter 115, respecting the Registration of Copartnerships.	By inserting after the word "form" in the first line of section two, the words "or to the effect."
(137) Same chapter	By striking out the word "two," in the second line of section five, and substituting the word "one."
(138) Chapter 118, respecting Joint Stock Road Companies.	By substituting the words "two cents" and "one cent" for the words "one penny" and "one half-penny" respectively, wherever the said last mentioned words occur in section eighty-three.
(139) Same chapter	By substituting the words "two cents" for the words "one penny" in the last line of section ninety-five. (140)

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(140) Chapter 123, respecting Joint Stock Gas Com- panies.	By striking out all the words of section thirteen, after the word "printed" in the fifth line, and substituting therefor the words "then in a newspaper published in the County Town."
(141) Same chapter.	By striking out the words "printed in some adjoining County or District" in the second sub-section of section twenty-two, and substituting the words "published in the County Town."
(142) Same chapter.	By striking out the words "after such notice has been posted up for six successive weeks in the manner prescribed by section thirteen, for giving notice of the time of holding a meeting for the election of Directors," in the sixth, seventh, eighth and ninth lines of section forty-five, and substituting therefor the words "then in a newspaper published in the County Town."
(143) Chapter 127, respecting Rail- way Companies.	By striking out the words "in insolvency," in the last line of the fifteenth sub-section of section twenty, and substituting therefor the words "under <i>The County Courts Act</i> , subject to any general orders or rules (to be from time to time made by the Judges of such Superior Courts, in the same manner as they are authorized to make other general rules and orders respecting practice and procedure) altering and regulating such practice and proceedings."
(144) Chapter 129, respecting Insu- rance Companies	By inserting after the word "Company," in the eighteenth line of section thirty one, the words "and such other person or persons as they may think fit," and by striking out all the words after the word "decree," where it occurs in the twenty-eighth line, to the end of the section, and substituting the words "that the business of the said Company as an Insurance Company ought to be discontinued; and it is hereby declared that thenceforward the business of the said Company as an Insurance Company shall be discontinued accordingly, and all the powers of the said Company as an Insurance Company shall cease, and all other powers granted to the said Company shall likewise cease, except so far as may be necessary for holding and disposing of the property and winding up the affairs of the Company."
(145) Chapter 130, respecting Mu- tual Fire Insu- rance Companies.	By inserting after the word "Directors" in the second line of section fifty-five, the words "or if the Company refused or neglected to pay that amount, or any amount awarded."
(146) Same chapter.	By inserting after the word "and" in the third line of section fifty-six, the words "if before action such amount was tendered."
(147) Same chapter.	By inserting after the word "agents," in the twelfth line of section seventy-four, the words "and such other person or persons as they may think fit," and by striking out all the words after the word "decree," where it occurs in the twenty-fourth line, to the end of the section, and substituting the words "that the business of the said Company as an Insurance Company ought to be discontinued; and it is hereby declared that thenceforward the business of the said Company as an Insurance Company shall be discontinued accordingly, and all the powers of the said Company as an Insurance Company shall cease, and all other powers granted to the said Company shall likewise cease, except so far as may be necessary for holding and disposing of the property and winding up the affairs of the Company."

Company

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
	Company shall likewise cease, except so far as may be necessary for holding and disposing of the property and winding up the affairs of the Company.
(148) Chapter 131, respecting Uniform Conditions in Fire Insurance Policies.	By striking out the words "All fraud or false swearing," in the first line of the fourteenth condition given in the Schedule to the Act, and substituting therefor the words "Any fraud or false statement in a statutory declaration."
(149) Chapter 133, respecting Benevolent Societies.	By striking out the words "before a Judge of one of the Superior Courts, or before a County Court Judge," in the first and second lines of the first sub-section of section two.
(150) Same chapter.	By substituting the following for sub-section three of the same section, "The said declaration may be produced to a Judge of any of the Superior Courts or to a Judge or Junior or Deputy-Judge of a County Court or to a Stipendiary Magistrate, and if the same appears to him to be in conformity with this Act, he shall endorse thereon a certificate to that effect."
(151) Same chapter.	By striking out the words "for the purpose" in the seventh section.
(152) Same chapter.	By adding to the said Act the following clause:—"In case the Lieutenant-Governor in Council or the Board of County Judges adopt or approve of any forms for any of the proceedings under this Act, and the order adopting or approving the same is with the forms printed in the <i>Ontario Gazette</i> , the said forms shall be as effectual for the purposes mentioned in the Act, order in Council or order of such Board of County Judges as if the said forms had been inserted in this Act."
(153) Chapter 134, respecting Mechanics Institutes.	By inserting after the word "Registrar" in the fourth line of section two, the words "or the Deputy Registrar."
(154) Same chapter	By inserting after the word "Registrar" in the first and fifth lines of section three, the words "or Deputy Registrar."
(155) Chapter 136, respecting Cemeteries.	By striking out the words "of the height of eight feet at least," in the second line of section four and substituting therefor the words "of such height as the municipality may by by-law direct."
(156) Chapter 140, respecting Separate Rights of Married Women.	By striking out section five, and substituting the following provisions :— 5. The real estate of any woman married after the second day of March, A.D. 1872, whether owned by her at the time of her marriage, or acquired in any manner during her coverture, and the rents issues and profits thereof respectively shall, without prejudice and subject to the trusts of any settlement affecting the same, be held and enjoyed by her for her separate use, free from any estate therein of her husband during her lifetime, and from his debts and obligations, and from any claim or estate by him as tenant by the curtesy; and her receipts alone shall be a discharge for any rents, issues and profits of the same; but nothing herein contained

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
	<p>contained shall prejudice the right of the husband as tenant by the curtesy in any real estate of the wife which she has not disposed of <i>inter vivos</i>, or by will.</p>
	<p>(5a) Any married woman shall be liable on any contract made by her respecting her real estate as if she were a <i>feme sole</i>.</p>
(157) Chapter 141, respecting Con- veyances by Mar- ried Women.	By inserting after the word "estate" in the sixth line of section three, the words "and may also, by deed, bar her dower, and any right or inchoate right of dower in any real estate."
(158) Same chapter	By inserting after the word "premises" at the end of the form of order in section five, the words "[or bar her dower or right or inchoate right of dower, (or appoint an attorney to bar her dower or right or inchoate right of dower, <i>as the case may be</i>), in, to, or out of all and singular (<i>describe the premises</i>)]."
(159) Chapter 154, respecting As- surances on the lives of Hus- bands and Par- ents.	By inserting the following new section after section ten : (10a) When the amount of the insurance money payable to a guardian of infants pursuant to section ten of this Act does not exceed two hundred dollars, the fees payable on the appointment of such guardian shall be two dollars and no more, and such fees shall be regulated in the manner prescribed by the seventieth section of the Act respecting Surrogate Courts.
(160) Chapter 154, respecting Attor- neys-at-Law.	By striking out the words "an Attorney or Solicitor of Her Majesty's High Court of Justice" in the second and third lines of the fourth sub-section of section two, and substituting the words "a Solicitor of Her Majesty's Supreme Court of Judicature," and by inserting after the word "or" in the third line, the words "an Attorney or Solicitor."
(161) Chapter 160, respecting Sur- veyors.	By striking out the word "eight" in the fourth line of section three, and substituting therefor the word "twelve."
(162) Same chapter	By striking out the words "geometry, plane" in the seventh line of section seven, and substituting therefor the words "euclid, plane and spherical."
(163) Same chapter	By striking out the words "at least the first six books of" in the fourth line of section ten, and the word "and" also in the fourth line, and the words "and is well versed therein, and is also sufficiently conversant with" in the sixth and seventh lines, and the words "to enable him to ascertain the latitude and to draw a meridian line" in the seventh, eighth, and ninth lines, and the words "is conversant with" in the ninth line; and by striking out the word "and" in the seventh line, and substituting the word "practical."
(164) Same chapter.	By striking out the words "subject to the provisions of the preceding section" in the fourth and fifth lines of section twelve, and by inserting after the word "person" in the sixth line the words "admitted in the Province of Quebec so to serve during six months of actual practice in the field with a Land Surveyor duly admitted, and practising in this Province, and for any other such person."

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(165) Same chapter.	By inserting at the end of section seventeen, the following clause as sub-section 2 :—"The privilege of a shortened term of apprenticeship shall also be accorded to any graduate of the Military College at Kingston, and such person shall not be required to pass the preliminary examination hereinbefore required for admission to apprenticeship with a Land Surveyor, but shall only be bounden to serve under articles with a Land Surveyor, duly filed as required by the twelfth section of this Act, during twelve successive months of actual practice, after which, on conforming with all the other requirements, he may undergo the examination by this Act prescribed."
(166) Same chapter.	By striking out all the words in section nineteen, after the word "Examiners," in the fourth line.
(167) Same chapter.	By substituting the words "office of the Provincial Secretary," for the words "Registry Office of the County of York," in the second line of section twenty-three.
(168) Chapter 162, respecting Municipal Institutions	By inserting at the end of section fourteen, the words "and in case the territory so added belonged to another county, it shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the village."
(169) Same chapter.	By adding at the end of the first sub-section of section one hundred and forty, after the word "counted" the following clause :— "And any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for."
(170) Same chapter	By adding to section one hundred and sixty the following "but nothing herein contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the office of Mayor and Aldermen in cities, and Mayor, Reeve, Deputy-Reeves and Councillors in other Municipalities.
(171) Same chapter.	By substituting the word "three" for the word "two" in the fourth line of section two hundred and fifteen.
(172) Same chapter	By striking out the words "the Mayor or other head of any" in section two hundred and sixteen and substituting therefor the words "The Head of the Council of any County."
(173) Same chapter	By adding at the end of section two hundred and thirty-four the following words "and also of the following particulars :— 1. Number of Public School Inspectors. 2. Amount paid to School Inspectors. 3. Total amount paid to Sheriffs. 4. Total amount paid to County Crown Attorney. 5. Total amount paid to Clerk of the Peace. 6. Total amount paid for constable and police service.

SCHEDULE. A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(174) Same chapter	By adding at the end of section two hundred and forty-nine the following words: "and in case of a minor municipality the clerk shall transmit to the clerk of the County Council a copy of such abstract and statement, and the same shall be kept by the clerk of the County Council as a record of his office"
(175) Same chapter	By inserting after the word county in the tenth line of section three hundred and twenty-four the words "for judicial purposes."
(176) Same chapter	By striking out all the words between the word "owners" in the second line, and the word "if" in the fifth line of section three hundred and sixty-three, and substituting the words "or occupiers of, or other persons interested in real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected thereby."
(177) Same chapter	By striking out the words "owners of" in the second line of section three hundred and sixty-four, and substituting therefor the words "occupier of or person so interested in."
(178) Same chapter	By inserting after the word "occupier" in the first line of section three hundred and sixty-six, the words "or person so interested."
(179) Same chapter	By inserting at the end of the second sub-section of section four hundred and eight, the words "provided however, that the Lieutenant-Governor in Council may, at all times, notwithstanding anything in this Act contained, appoint a Police Magistrate, with out salary, for any Town or Village."
(180) Same chapter	By inserting at the end of the forty-sixth sub-section of section four hundred and sixty-three, the words "but no by-law for altering the name of any street, square, road, lane, or other public communication, shall have any force or effect, unless and until the by-law has been registered in the Registry office of the County or other Registration Division; and the Registrar shall be entitled to a fee of one dollar, for every by-law so registered, and for the necessary entries and certificates in connection therewith."
(181) Same chapter	By striking out the words "Town and incorporated Village" in the first and second lines of section four hundred and sixty-nine.
(182) Same chapter	By substituting the word "four" for the word "two" in the third line of section four hundred and seventy-three.
(183) Same chapter	By inserting after the word "means" in the sixth line of the second sub-section of section five hundred and thirty the following words, "or provide more than sufficient means."
(184) Same chapter	By striking out the words "male freeholders and householders" in the eighth line of section five hundred and seventy-two, and substituting the words "persons appearing by the assessment roll to be entitled to vote in the said Police Village."
(185) Same chapter	By striking out all the words between the word "names" in the fifth line, and the word "and" in the ninth line of section five hundred

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
	hundred and seventy-three, and substituting the words "according to the form by law prescribed in the case of other municipal elections, of the persons entitled to vote at Township municipal elections, in respect of real property situate, or income received in the said Police Village, or in the portion thereof in the Municipality of such Clerk."
(186) Same chapter	By striking out of section five hundred and seventy-nine the words "the Act respecting Municipal Institutions passed on the twentieth day of March, 1873," and substituting the words "this Act."
(187) Same chapter	By striking out the fourth paragraph of Schedule B and substituting therefor the following : "If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void so far as relates to that office, and will not be counted for any of the candidates for that office." "If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void and will not be counted."
(188) Chapter 164, respecting the Assessment of Property.	By striking out the words "town or village" in the first line of section seventy-nine.
(189) Same chapter	By striking out the words "towns or villages" in the second line of section eighty-one.
(190) Same chapter	By inserting after the word "city" in the eleventh line of section eighty-seven, the words "or town."
(191) Same chapter	By adding after the word "distrain" in the last line of section one hundred, the words "or instructed by Council not to collect."
(192) Same chapter	By inserting after the word "County" in the third line of section one hundred and five, the words "and the Treasurer of every City and Town shall furnish to the Clerk of his Municipality."
(193) Same chapter	By striking out the words "in each County" in the first line of section one hundred and six, and the word "County" in the third line of the same section.
(194) Same chapter	By inserting in the second line of sub-section two of section one hundred and eight, after the word "County" the words "City or Town."
(195) Same chapter	By substituting for the words "arrears of taxes" in the fifth line of section one hundred and ten, the words "unpaid taxes," and by inserting after the word "any" in the second line of sub-section two of the same section, the words "and of arrears of taxes paid."

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(196) Same chapter.	By striking out the word "County" in the third and fifth lines of section one hundred and twelve.
(197) Same chapter.	By striking out the words "and the Clerk shall" in the fourth line of section one hundred and eighteen, and inserting the following, "thereupon, or if it shall come to the knowledge of the Clerk in any other manner that such land has not been assessed, the Clerk shall under the direction of the Council."
(198) Same chapter.	By substituting the word "may" for the word "shall" in the third line of section one hundred and twenty-two.
(199) Same chapter.	By striking out the words "for the payment of" in section one hundred and twenty-five, and inserting the words "for the enforced collection by sale of non-resident"; and by inserting after the word "power," in the second line, the words "from time to time."
(200) Same chapter.	By striking out the words "and in offering such lands for sale" in the seventh line of section one hundred and thirty-four, and inserting the following: "and in offering or selling such lands."
(201) Same chapter.	By adding to the end of section one hundred and fifty-seven the words "other than for County rates."
(202) Chapter 170, respecting Line Fences.	By inserting at the end of section twelve the following as sub-section 6: "6. The practice and proceedings on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the Division Court."
(203) Chapter 183, respecting Inoculation and Vaccination.	By striking out the words "each of the Cities of Ottawa, Kingston, Toronto, Hamilton and London" in the first and second lines of section five, and substituting the words "every City now being, or which may hereafter be, in this Province."
(204) Chapter 206, respecting Asylums for the Insane.	By inserting after section twenty-three as section twenty-three (a) the following: (23a) The Lieutenant-Governor upon such evidence of the insanity of any person imprisoned for an offence under the authority of any of the Statutes of this Province, or imprisoned for safe custody, charged with such an offence as the Lieutenant-Governor shall consider sufficient, may order the removal of such insane person to an asylum for the insane; and such person shall remain there, or in such other asylum, or other place of safe keeping, as the Lieutenant-Governor may from time to time order, until his complete or partial recovery, or other circumstances justifying his discharge from such asylum or place shall be certified to the satisfaction of the Lieutenant-Governor, who may then order such person back to imprisonment if then liable thereto, or otherwise to be discharged.
(205) Same chapter	By striking out all the words after "directed" in the eighth line of section twenty-nine, and substituting the words "by the Lieutenant-Governor." (206)

SCHEDULE A.—*Continued.*

CHAPTER AND SUBJECT OF ACT.	MANNER IN WHICH AMENDED.
(206) Same chapter	By adding at the end of section forty-three the words “and notwithstanding the lunatic shall have ceased to be an inmate of the Asylum, or shall have recovered or died, the Inspector may complete any lease, mortgage sale or conveyance in respect of which proceedings have been commenced while such lunatic was confined in the Asylum, but no such lease, mortgage sale or conveyance, shall take place without the concurrence of the Attorney-General for Ontario.”
(207) Same chapter.	By striking out the words “examining Judge or Justices and,” in the first line of section twenty-seven, and the words “he or” and “has or” in the third line, inserting after the word “Insane,” in the fifth line of said section twenty-seven, the words “and in case the said examining Judge or Justices duly certify (Form G) that they have personally examined such prisoner as aforesaid, and that from such examination, and from the evidence adduced before him or them, he or they is or are of opinion that,” and by striking out the words “(Forms G and H)” in the second line, and substituting the words “(Form H,)” and by inserting after the word “that,” where it first occurs in the eighth line of Form G in Schedule No. 1, the words “from such personal examination, and from the evidence adduced thereon, I (or we) am (or are) of opinion that.”
(208) Chapter 211, respecting the Inspection of Prisons and Asylums.	By striking out the words “on or before” in the second line of section seventeen, and substituting the words “as soon as may be after.”

SCHEDULE B

SHOWING ACTS OR PARTS OF ACTS REPEALED.

REFERENCE TO ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
C. S. C. c. 77.	An Act respecting Surveyors and the Survey of lands.	Sections ninety-one and ninety-two.
C. S. U. C. c. 10.	An Act respecting the Superior Courts of Civil and Criminal Jurisdiction.	Sections twenty-four and twenty-five.
C. S. U. C. c. 12.	An Act respecting the Court of Chancery.	Sections nine, ten and sixteen.
C. S. U. C. c. 13.	An Act respecting the Court of Error and Appeal.	Sections nine, nineteen to twenty-eight inclusive, thirty, thirty-two, thirty-eight, and forty-two to fifty-six inclusive.

SCHEDULE B.—*Continued.*

REFERENCE TO ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
C. S. U. C. c. 22.	An Act to regulate the Procedure of the Superior Courts of Common Law and of the County Courts.	Sections one hundred and eighty, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, two hundred and fifty-five, two hundred and fifty-six, three hundred and thirty-five, and three hundred and thirty-seven.
C. S. U. C. c. 27.	An Act respecting Ejectment.	Sections sixty-three to seventy-three inclusive.
C. S. U. C. c. 31.	An Act respecting Jurors and Juries.	Section one hundred and one.
C. S. U. C. c. 84.	An Act respecting Dower.	Sections five to eleven inclusive.
C. S. U. C. c. 93.	An Act respecting the survey of lands in Upper Canada.	Sections thirty-nine and forty.
28 V. c. 18.	An Act to improve the proceedings in Prohibition and on Writs of Mandamus in Upper Canada.	Section eight.
29 V. c. 28.	An Act to amend the law of property and trusts in Upper Canada.	Section twenty-two.
29-30 V. c. 51.	An Act respecting the Municipal Institutions of Upper Canada.	Sections seven, fifty, one hundred and twelve, one hundred and twenty, (as amended by chapter fifty-two) three hundred and twenty-one, and three hundred and fifty-six.
34 V. c. 11.	An Act to amend the Act intituled "An Act respecting the Court of Error and Appeal," and to amend the Act intituled "An Act for quieting titles to real estate in Upper Canada."	Sections one, two and four.
34 V. c. 28.	An Act to amend the Assessment Act of Ontario, passed in the thirty-second year of the reign of Her Majesty, chaptered thirty-six.	Sections two and three.
35 V. c. 22.	An Act relative to arrears due upon Common School lands sold previously to 1st July, 1867.	Section three.

SCHEDULE. B.—*Continued.*

REFERENCE TO ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
35 V. c. 31.	An Act to amend chapter seventy-seven of the Consolidated Statutes of Canada, intituled, "An Act respecting Land Surveyors and the Survey of lands."	Section two.
36 V. c. 7.	An Act further to amend the Act intituled "An Act respecting the Court of Error and Appeal."	The whole Act.
36 V. c. 8.	The Administration of Justice, Act of 1873.	Section forty-four.
36 V. c. 48.	An Act respecting Municipal Institutions in the Province of Ontario.	Sections four hundred and ninety - three, four hundred and ninety - four, and four hundred and ninety-seven.

CHAP. 8.

An Act to provide for certain amendments of the Law.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows —

COURT OF EXCHEQUER OF CANADA.

1. In case sittings of the Court of Exchequer of Canada are appointed to be held in any City, Town, or place in which a court house is situated, the Judge presiding at any such sittings shall have, in all respects, the same authority as a Judge at Nisi Prius in regard to the use of the court house and other buildings or apartments set apart in the County for the administration of justice.

Authority of Judges of the Court of Exchequer as to use of Court House, &c.

SUPERIOR COURTS OF LAW.

2. When a vacancy occurs in the office of the Chief Justice of the Court of Queen's Bench, the Chief Justice of the Court of Appeal shall, thenceforth, be called the Chief Justice of Ontario, and the Chief Judge of the Court of Queen's Bench shall be called the Chief Justice of the said Court.

The office of Chief Justice of Ontario.

Practice

Practice Court.

Practice Court abolished.

3. The Practice Court held under the ninth section of chapter ten of the Consolidated Statutes for Upper Canada, is hereby abolished, and the said section is hereby repealed; and all the powers of said Court and the business heretofore transacted therein, shall hereafter be respectively exercised by, and transacted in the Court held under the nineteenth section of The Administration of Justice Act, 1874.

Salaries of Officers of the Courts.

Salaries of certain officers to be paid monthly.

4. The salaries payable out of the Consolidated Revenue Fund to the officers of the various Courts of this Province shall be payable monthly.

Trinity Term.

Judges may dispense with Trinity Term.

5. Where, in the opinion of the Judges of either of the Courts of Queen's Bench or Common Pleas, it is not necessary for the dispatch of business pending in such Court, to hold sittings during Trinity Term in any year, the Judges of such Court may in Easter Term of such year, by rule of Court from time to time made, direct that their Court shall not sit during the time appointed for holding Trinity Term, by the fifty-third section of *The Administration of Justice Act of 1873*; and any motion for a rule nisi for a new trial or non-suit, or otherwise affecting any verdict which may be rendered at the sittings of Nisi Prius during the Summer Assizes, may be made before and heard by the Judge sitting for the full Court during vacation, and the rule, if granted, shall be set down for argument before the full Court for the following Term.

COURT OF CHANCERY.

Additional Sittings,

Judges of Court of Chancery may hold sittings in addition to those appointed for the ordinary Circuits.

6. In case it appears to the Judges of the Court of Chancery or a majority of them after the circuits have been arranged and appointed under section twenty-one of the Administration of Justice Act, 1874, that it would be in furtherance of the administration of justice to hold other sittings in addition to those appointed under the said section, the said Chancery Judges or a majority of them may appoint, and hold sittings of the Court of Chancery at any other County Town, in addition to those at which sittings were appointed under the said section.

Accountant's Office.

Securities in hands of the Accountant of the Court of

7. All mortgages, stocks, funds, annuities and securities whatsoever, on the twenty-sixth day of June, one thousand eight hundred and seventy-six, standing in the name of the

Account

Accountant of the Court of Chancery, or in his custody or power as such Accountant in respect of his office, together with all the interest and estate of the said Accountant, in the lands and premises embraced in such mortgages or other securities, are hereby declared to be, and from and after the said day to have been, vested in the Referee in Chambers, subject to the same trusts as they were on the said day respectively subject to; and it is hereby declared to have been lawful from and after the said day, and to be hereafter lawful, for the same to be proceeded on by and in the name of the said Referee in right of his office, by any action or suit, or in any other manner, or to be assigned, transferred or discharged by the said Referee, as the same might on the said day have been proceeded on, assigned, transferred or discharged by or in the name of the said Accountant.

Chancery transferred to the Referee in Chambers.

8. In case of there being at any time no Accountant of the Court of Chancery, all mortgages, stocks, funds, annuities and securities whatsoever theretofore standing in the name of such Accountant, or in his custody or power as such Accountant, in respect of his office, together with all the interest and estate of the said Accountant in the lands and premises embraced in such mortgages or other securities, shall become and be, by force of this Act, vested in the Referee in Chambers of the said Court for the time being, as such Referee, or in such other officer as the Court, by General Order, may, from time to time, direct, subject to the same trusts as they shall then respectively be subject to, and the same shall and may be proceeded on by and in the name of the said Referee or other officer, in right of his office, by any action or suit, or in any other manner, or may be assigned, transferred or discharged by the said Referee or other officer, as the same might theretofore have been proceeded on, assigned, transferred or discharged by or in the name of the said Accountant.

With other sureties standing in the name of the Accountant in respect of his office.

9. Section seventy-two of the twelfth chapter of the Consolidated Statutes for Upper Canada, is hereby amended, by inserting after the word "Court" in the third line, the words "or if there be no Accountant, in the name of the Referee in Chambers, or such other officer as the Court by General Order may from time to time direct;" and by inserting after the word "Accountant" in the fourth line, the words "or if there be no Accountant, in the name of such Referee or other officer," and by striking out the word "General" where it occurs in the third and fourth lines.

C. S. U. C. c 12, s. 72, amended.

COUNTY COURTS.

10. While sittings of the County Court of any County which has a Senior and Junior Judge, are being held for the trial of issues of fact and assessment of damages, the Judges of the said Court, or any two persons authorized to hold the sittings of such Court, may, in case the General Sessions of the Peace have been adjourned or have terminated, sit separately and concurrently, one for

Concurrent sittings for trial of jury and non-jury cases.

for the trial of causes where a jury is required, and the other for the trial of causes to be tried without a jury.

39 V. c. 14
amended.
Judges of a
County Court
District may
regulate
sittings in
June and
December.

11. The Act passed in the thirty-ninth year of Her Majesty's reign, respecting County Court Judges, is hereby amended by adding to the third section thereof the words following: "And such Judges may also (subject to the approval of the Lieutenant-Governor in Council, to be notified in the *Ontario Gazette*) fix and appoint the times in the months of June and December respectively in each year, for the holding of the County Courts and General Sessions of the Peace in each County of such District, and such Courts shall be held on the days so appointed.

Shorthand
writers.

12. In case the Municipal Council of any County, or the Municipal Councils of any County and a City or Town united with the County for judicial purposes and not within the jurisdiction of the County Council, pass a resolution or resolutions, as the case may be, requesting or approving of the appointment of a shorthand writer to and for the local Courts of the County, the Lieutenant-Governor may from time to time appoint a person to fill the office of shorthand writer for the said Courts, and such person shall be subject to the direction of the Senior Judge, or, in his absence, to the direction of the Junior Judge, and shall be entitled to such remuneration, either by salary or by fees, or partly by salary and partly by fees, as the Lieutenant-Governor in Council may from time to time direct; and if paid by salary only, the fees payable in respect of his duties as a shorthand writer, shall go in reduction of his salary, and the balance, if any, shall be paid by the County quarterly, on the first day of January, April, July and October of every year: Such fees, and all matters relating to the duties of the said officer, shall be determined and regulated from time to time by the Judges of the said County Court, subject to the approval of the Lieutenant-Governor in Council.

Share of City
or Town in
such salary.

2. The City or Town aforesaid, shall bear and recompense the county for a proper proportion of the said salary, and such proportion, in case the City or Town and County disagree, shall be determined by arbitration, according to the provisions of the Municipal Act; and, subject to such agreement or arbitration and until and unless the same determines a different proportion, the City or Town shall pay to the County one-half, and the County's share shall be one-half of said salary.

3. This section shall not apply to the County of York.

Retired
County
Judges may
act for County
Judges in cer-
tain cases.

13. Any retired County Court Judge may hold any Court or perform any other duty of a County Court Judge, in any County, on being requested to do so by the Judge to whom the duty for any reason belongs, or upon being authorized so to do by an order, of the Governor-General, made at the request of the Lieutenant-Governor; and the Lieutenant-Governor may appoint any retired County Court Judge as a member of the Board of County Judges.

14. Any suit or action, by or against a Judge or Junior Judge of a County Court, which is within the competence of a County Court or Division Court, may be brought in the County Court or a Division Court of any County adjoining that in which such Judge or Junior Judge resides; and any suit or action by or against any Stipendiary Magistrate, if the same is within the jurisdiction of any Division Court of his District, may be brought in any Division Court of any adjoining County or District

Actions against County Judges for amounts within County Court jurisdiction.

CIVIL PROCEDURE.

General Rules and Orders.

15. The Judges of the Superior Courts of Common Law, or any four of them, of whom the Chief Justices shall be two, shall have power to make General Rules or Orders for the effectual execution of this Act and of all other Acts now or hereafter in force respecting civil procedure in Courts of Common Law, and for regulating the practice and procedure of said Courts and of the County Courts, and more especially the nature and form of the process and pleadings, the taking, publishing, using and hearing of testimony, the examination of the parties to a suit upon their oath, *viva voce* or otherwise, the allowance and amount of costs and every other matter deemed expedient for the better attaining the ends of justice, advancing the remedies of suitors, and carrying into effect the provisions of such Acts as aforesaid: and the Court may from time to time suspend, repeal, vary or revive any such General Rules or Orders; but no such Rule or Order shall have the effect of altering the principles or rules of decision of the Court.

General Rules and Orders as to practice and procedure.

2. The Judges of the Court of Chancery shall have the like power with regard to the practice and procedure in suits and matters in that Court.

3. Every such Rule or Order shall, immediately upon the same being made, be of the same force and effect as if the provisions contained therein, had been expressly enacted by the Legislature.

Taxation of Superior Court Costs.

16. In any case in either of the Superior Courts of Law where the plaintiff obtains judgment by default, on a writ specially endorsed, for a sum over two hundred dollars and less than four hundred dollars, it shall not be necessary to obtain an order to enable the Clerk or Deputy Clerk of the Crown, or officer with whom such judgment is entered, to tax Superior Court costs; but such Clerk, Deputy Clerk or officer may, upon an affidavit being filed showing to his satisfaction that the amount was not liquidated or ascertained by the signature of the defendant, or the act of the parties, tax to the plaintiff Superior Court costs, subject to revision as in other cases.

Taxation of Superior Court costs in cases of judgment by default on writs specially endorsed for sums over \$200 and less than \$400.

Examination of Officers of Corporations after Judgment.

Examination
of officers of
corporations
by judgment
creditors.

17. In case any person has obtained a judgment in any Court in Ontario, against a body corporate, or has obtained a rule or order for the payment of money against a body corporate, such person may apply to the Court, or to any Judge having authority in the premises, for a rule or order, that any one or more of the officers of such body corporate, to be named in such rule or order, shall be orally examined upon oath before a Judge or any other person to be named in such rule or order, touching the names and residences of the stockholders in said body corporate, the amount and particulars of stock held or owned by each stock-holder, and the amount paid thereon; also as to any and what debts are owing to the said body corporate; and as to the estate and effects of the body corporate; and as to the disposal made by the body corporate of any property since contracting the debt or liability in respect of which such judgment, or rule or order for the payment of money was obtained; and the Court or Judge may make such order for the examination of such officer or officers, and for the production, by him or them, of any books or documents, as may seem fit; and in case any such officer does not attend as required by the said rule or order, and does not show a sufficient excuse for not attending, or if attending, he refuses to disclose any of the matters in respect of which he may be examined, such Court or Judge may order such officer to be committed to the common gaol of the County in which he resides, for any term not exceeding six months.

Garnishee Proceedings.

C. S. U. C. c.
22, s. 291, (a).

Proceedings
when garni-
shee suggests
a lien of a
third person.

18. Chapter twenty-two of the Consolidated Statutes for Upper Canada is hereby amended by inserting after section two hundred and ninety-one, the following as section 291 (a):—

291 a. If the garnishee suggests that the debt sought to be attached belongs to some third person, or that some third person has a lien or charge upon it, the Judge may order such third person to appear before him, or before some person to be specially named by him, and state upon oath the nature and particulars of his claim upon such debt.

2. After hearing the evidence of such third person, and of any other person or persons whose evidence the Judge may, by the same or any subsequent order, think fit to require, or in case such third person does not appear, the Judge may bar the claim of such third person, or make such other order for the determination of the matter in dispute, either by the trial of an issue or otherwise, as he thinks fit, upon such terms in all cases, with respect to the lien or charge (if any) of such third person, and as to costs, as he thinks just and reasonable.

Costs in abated suits.

Suit abated
may be re-
vived for costs.

19. Wherever any decree or order has been made for payment of costs in any suit, and the suit afterwards becomes abated,

abated, any person interested under the decree or order may revive the suit, and thereupon prosecute and enforce the decree or order, and so from time to time, as often as any abatement shall happen.

Arbitrations and References of matters of account.

20. Section five of the Act passed in the thirty-ninth year of Her Majesty's reign, and chaptered twenty-eight, is hereby repealed, and the following substituted therefor: 39 V. c. 28, s. 5, repealed.

(5.) An appeal shall lie against an award or report made on a reference in pursuance of section one hundred and sixty of the Common Law Procedure Act, in the same way as if the reference had been made in pursuance of section one hundred and fifty-eight of said Common Law Procedure Act. Appeal from award under C. L. P. Act s. 160

(5a.) An appeal shall lie in the same manner from any award made in pursuance of section one hundred and sixty-one of the Common Law Procedure Act. and s. 161.

21. Section seven of said Act passed in the thirty-ninth year of Her Majesty's reign, is hereby amended by striking out the words in the first part of the section, "The appeal from a report or certificate referred to in the second section of this Act," and by substituting the following: "The appeal hereinbefore referred to." 39 V. c. 28, s. 7, amended. Appeal in stead of motion against award.

22. Section eight of said Act is hereby amended by striking out the following words in the second line of the section: "under the said one hundred and fifty-eighth section and all the words in said section after the word 'Courts,' in the eighth line." 39 V. c. 28, s. 8, amended.

23. In a case in which an appeal does not lie, a motion to set aside an award may be made as at present. Case in which an appeal does not lie.

COMMISSIONERS FOR TAKING AFFIDAVITS.

24. Every Commissioner heretofore or hereafter appointed in Ontario, for taking affidavits, and every person heretofore or hereafter authorized to take affidavits to be used in any Court of this Province, shall be deemed to have had and shall hereafter have power to take and receive any affidavits or affirmations heretofore made or which any person desires hereafter to make in or concerning any suit or proceeding, pending before the Court of Appeal, or a Judge or Judges of said Court. Commissioners for taking affidavits in suits pending before the Court of Appeal.

25. Every Commissioner heretofore or hereafter appointed in Ontario for taking affidavits, and every person now or hereafter authorized to take affidavits to be used in any Court of this Province, shall have power to take and receive any affidavits and affirmations which any person desires to make in or concerning any application or matter made or pending before any Judge. Their power to take affidavits in matters pending before any Judge.

Judge of any Court, which by any statute now or hereafter in force in Ontario and within the legislative authority of the Province, such Judge is authorized to hear and determine, or in which he is authorized to make any order, although such application or matter be not made or pending in any Court.

NOTARIES PUBLIC.

Examination as to qualification of persons desirous of being appointed Notaries Public.

26. Persons, other than Barristers and Attorneys duly admitted as such in this Province, desirous of being appointed as Notaries Public, shall be subject to examination in regard to their qualification for the said office, by the County Court Judge of the County in which such persons reside, or by such other person as may from time to time be appointed in that behalf by the Lieutenant-Governor; and no person shall be appointed a Notary Public without a certificate from said County Court Judge, or such other person, that he has examined the applicant and finds him qualified for the office, and that he is of opinion that a Notary Public is needed for the public convenience in the place where such applicant resides and intends to carry on business.

2. The Lieutenant-Governor in Council, may from time to time make regulations for such examination and certificate; and the Judge or other person examining shall be entitled to receive from the person examined a fee of five dollars for every examination.

EXEMPTION FROM SEIZURE UNDER EXECUTION.

Goods exempted from seizure after death of the debtor to become the property of his widow.

27. Goods by law exempt from seizure as against a debtor shall, after his death, be exempt from the claims of creditors of the deceased, and the widow shall be entitled to retain the said exempted goods for the benefit of herself and the family of the debtor, or, if there be no widow, the family of the debtor shall be entitled to the said exempted goods; and such goods so exempt as aforesaid shall not be liable to seizure under an attachment against the debtor as an absconding debtor.

23 V. c. 25, s. 6, amended.

28. Section six of the Act passed in the twenty-third year of Her Majesty's reign and chaptered twenty-five, entitled "An Act to exempt certain articles from seizure in satisfaction of debts," is hereby repealed, and the following substituted therefor:

"6. The debtor, or his widow, or family, or, in the case of infants, their guardian, may select out of any larger number the several chattels exempt from seizure under this Act."

CHATTEL MORTGAGES.

C. S. U. C. c. 45, s. 9, amended.

29. Section nine of chapter forty-five, of the Consolidated Statutes for Upper Canada, is hereby amended by inserting in the line before the last line, after the words "purchasers and mortgages," the words, "in good faith."

TRUSTEES

TRUSTEES—FILLING VACANCIES.

30. Wherever any trustee, either original or substituted, and Filling vacancies in the office of Trustee. whether appointed by the Court of Chancery or otherwise, dies, or desires to be discharged from, or refuses, or becomes unfit or incapable, to act in the trusts or powers in him reposed, before the same have been fully discharged and performed, it shall be lawful for the person or persons nominated for that purpose by the deed, will or other instrument creating the trust (if any), or if there be no such person, or no such person able and willing to act, then for the surviving or continuing trustees or trustee for the time being, or the acting executors or executor, or administrators or administrator of the last surviving and continuing trustee, or for the last retiring trustee, by writing, to appoint any other person or persons to be a trustee or trustees, in place of the trustee or trustees dying, or desiring to be discharged, or refusing, or becoming unfit, or incapable to act as aforesaid; and so often as any new trustee or trustees is or are so appointed as aforesaid, all the trust property (if any), which for the time being is vested in the surviving or continuing trustees or trustee, or in the heirs, executors or administrators of any trustees or trustee, shall, with all convenient speed be conveyed, assigned and transferred, so that the same may be legally and effectually vested in such new trustee or trustees, either solely or jointly with surviving or continuing trustees, or a surviving or continuing trustee, as the case may require; and every new trustee to be appointed as aforesaid, as well before as after such conveyance, assignment or transfer as aforesaid, and also every trustee appointed by the Court of Chancery, either before or after the passing of this Act, shall have the same powers, authorities and discretions, and shall in all respects act as if he had originally been nominated a trustee by the deed, will or other instrument creating the trust.

2. The power of appointing new trustees hereinbefore contained, may be exercised in cases where a trustee, nominated in a will, has died in the lifetime of the testator.

GUARDIANS OF INFANTS.

31. Any of the Superior Courts of Law or Equity or any Judge of any of the said Courts, or a Judge of the Surrogate Court, upon hearing the petition of the mother of a minor whose father is dead, may appoint her to be guardian of the person of the minor, notwithstanding any testamentary provision to the contrary by the father or any appointment of another person as guardian by the father, if such appointment of the mother appears to the Court or Judge to be just and proper; and such Court or Judge may also make an order for the maintenance of the minor by payment out of any estate to which the minor is entitled, such sum or sums of money, from time to time, as according to the value of the estate Appointment of mother as guardian to minors. such

such Court or Judge thinks just and reasonable; and the sixth ninth and tenth sections of chapter seventy-four of the Consolidated Statutes for Upper Canada shall be applicable in such cases.

Courts may give effect to testamentary appointment of a guardian by the mother.

2. Any of the said Courts shall have power to give effect to a testamentary appointment of a guardian of the person of her infant children made by the mother of such children upon petition of the guardian so appointed notwithstanding a previous testamentary appointment by the father of such infants, wherever, owing to a change of circumstances or other cause, it may seem to such Court advisable in the interests of such infants so to do, and the Court may make an order for the maintenance of the infants as in the last preceding sub-section mentioned, and the said sixth, ninth and tenth sections of said Act shall in like manner be applicable to such petition and the proceedings thereon.

Removal of testamentary guardians and trustees.

3. Testamentary guardians and trustees shall be removable by the Court of Chancery for the same causes as other guardians and trustees.

Proviso.

4. Nothing herein contained shall be construed to change the law as to the authority of the father in respect of the religious faith in which a child is to be educated.

APPRENTICES AND MINORS.

38 V. c. 19, s. 2, amended

32. Section two of the Act passed in the thirty-eighth year of Her Majesty's reign, and chaptered nineteen, is hereby amended by inserting after the word "Act" in the fourth line the words "and having the care or charge of a minor."

MARRIED WOMEN.

Conveyance of Real Estate.

Filing of papers on application under 36 V. c. 18.

33. The affidavits and papers upon which an order under the Married Women's Real Estate Act is obtained, shall be filed in the office of the Clerk of the Court of which the Judge granting the order is a Judge; and for filing said affidavits and papers the Clerk shall be entitled to the same fees as he is entitled to for filing papers in other cases.

Dower on Sales where wife is a lunatic.

Dower on conveyance where wife is a lunatic.

34. Where an owner of land whose wife is a lunatic, or of unsound mind, and confined as such in a Lunatic Asylum, is desirous of selling the land free from dower, he may apply in that behalf to the Judge of the County Court in which he resides, or to a Judge of one of the Superior Courts, and if the Judge approves, he may, by an order to be made by him in a summary way, upon such evidence as to the Judge seems meet, and either *ex parte* or upon such notice as he may deem requisite, dispense with the concurrence of the wife for the purpose

of

of barring her dower, and also he is to ascertain and state in the order the value of such dower, and order such amount to remain a charge upon the property, or to be secured otherwise for the wife's benefit, or to be paid and applied for her benefit as he shall deem best; and thereupon a conveyance by the husband, expressed to be free from his wife's dower, shall, subject to the terms and conditions mentioned in the order, be sufficient to bar her right thereto, as if she were of sound mind and had duly executed a deed jointly with her husband for that purpose.

Dower to be ascertained and to be a charge on land or secured for wife's benefit.

2. On every such application the Judge shall be entitled to his own use to a fee of five dollars, and no other fee or charge of any kind shall be payable in respect thereof, either to the Clerk, Fee Fund or otherwise.

3. Sections six, seven, eight and ten of "The Married Woman's Real Estate Act, 1873," shall apply to the order to be made on the said application.

On certain other sales.

4. This section shall apply to any case in which an agreement for sale has been made and a conveyance has been executed by the husband, and any part of the purchase money has been retained by the purchaser on account of dower, and to any case in which an indemnity has been given against the dower of the wife.

Similar application to ascertain dower in certain other cases.

35. Where the wife of an owner of land has been living apart from him for two years, under such circumstances as by law disentitle her to alimony, and such owner is desirous of selling the land free from dower, he may apply to a Judge of one of the Superior Courts, and, if the Judge approves, he may, by an order to be made by him in a summary way, upon such evidence as to the Judge seems meet, and either *ex parte* or upon notice (to be served personally unless the Judge otherwise directs), dispense with the concurrence of the wife for the purpose of barring her dower, and thereupon a conveyance by the husband, expressed to be free from his wife's dower, shall, subject to any terms in the order, be sufficient to bar her right thereto, as if she had duly executed a deed jointly with her husband for that purpose.

Application in order to convey free from dower where wife disentitled by misconduct.

2. Sections six, seven, eight and ten of "The Married Woman's Real Estate Act, 1873," shall apply to the order to be made on the said application.

Deeds barring dower before this Act.

36. Where a husband has duly conveyed land of which he was owner, any deed or conveyance heretofore executed by his wife for the purpose of barring her dower, to which deed or conveyance her husband is not a party, is and shall be taken and adjudged to be valid and effectual to have barred her dower in the lands in which such deed or conveyance professed to bar dower, notwithstanding the absence or want of a certificate

Deeds barring dower before this Act takes effect.

cate touching her consent to be barred of her dower, and notwithstanding any irregularity, informality, or defect in the certificate (if any), and notwithstanding that such deed or conveyance may not have been executed, acknowledged or certified, as required by any Act now or heretofore in force, respecting the barring of dower.

CONTINGENT INTERESTS, &c.—LIABILITY IN EXECUTION.

24 V. c. 41, s.
8, revived.

37. Section eight of the Act passed in the twenty-fourth year of Her Majesty's reign, and chaptered forty-one, is hereby revived and amended by adding after the word "party" in the seventh line the words, "or over which such party has any disposing power which he may, without the assent of any other person exercise for his own benefit."

PARTITION OF REAL ESTATE.

Court of Chan-
cery to have
on bill filed
same powers
as it has on ap-
plication under
the Partition
Act.

38. In any suit in the Court of Chancery for partition or sale, where any of the persons interested in the lands whereof partition or sale is sought are unknown to the plaintiff, or have not been heard of for three years or upwards, the Court shall have the same jurisdiction, that, in proceedings under the Act passed in the thirty-second year of Her Majesty's reign, and chaptered thirty-three and the amendments thereto, it possesses for the purpose of binding the interests of such persons and dealing with the estate of such of them as by reason of long continued absence may reasonably be believed to be dead; and the like proceedings may be taken in such suit for the said purposes as might be taken upon a petition under the said Acts, and every deed or vesting order made in any such suit shall have the same effect as a deed or vesting order made in proceedings under the said Act.

CONTINGENT REMAINDERS.

C. S. U. C. c.
0 amended.

39. Section six of chapter ninety of the Consolidated Statutes for Upper Canada, is hereby amended by striking out the word "A" in the first line thereof and substituting the following:

"Every contingent remainder at present existing or hereafter created shall be, and every"

REGISTRATION OF ORDERS IN COUNCIL.

gistration
Orders in
council.

40. Orders of the Governor-General in Council or of the Lieutenant-Governor in Council may be registered in the registry office of the County or other Registration Division in which any land to which the Order in Council relates is situate by the deposit of a copy thereof, certified by the Clerk of the Council.

JURISDICTION

JURISDICTION OF POLICE MAGISTRATES, &c.

41. Any Police Magistrate or Stipendiary Magistrate, appointed for any City, Town, District or place, and sitting at a Police Court, or other place appointed in that behalf, shall have full power to do, alone, whatever is authorized, by any Statute in force in this Province relating to matters within the legislative authority of the Legislature of the Province, to be done by two or more Justices of the Peace; and such Police Magistrate shall have such power while acting anywhere within the County for which he is *ex officio* a Justice of the Peace.

Police Magistrate and Stipendiary Magistrate may sit alone with powers of two Justices.

DISTRICT IN VICINITY OF NIAGARA FALLS.

42. The Act passed in the thirty-seventh year of Her Majesty's reign, and entitled "An Act to provide for the better government of that part of Ontario situated in the vicinity of the Falls of Niagara," as amended and extended by the Act passed in the thirty-eighth year of Her Majesty's reign, and chaptered thirty; and by the Act passed in the thirty-ninth year of Her Majesty's reign, and chaptered thirty-six, shall continue in force until repealed.

37 V. c., 18, as extended, 38 V. c. 30, and 39, V. c. 39, made permanent.

AUDIT OF ADMINISTRATION OF JUSTICE ACCOUNTS.

43. The second section of the Act passed in the thirty-third year of Her Majesty's reign, and chaptered eight, is hereby amended by adding the following clause at the end of said section.

33 V. c. 8, s. 2, amended.

And for the purpose of such audit it shall be the duty of the Clerk of the Peace to convene such Auditors on the direction of the Judge of the County Court, for the purpose of submitting to such Auditors the accounts lodged with him, to attend such audit, record the proceedings thereat and carry out the orders of the Board of Audit in respect of the same, as formerly done by him at and after Session audits.

Board of Audit.

44. The ninth section of the Law Reform Act of 1868, is hereby amended by adding the following clause as sub-section five of said section :—

32 V. c. 6, s. 9, amended.

"5. All returns so received by the Clerks of the Peace shall be entered of record by them quarterly, in the same manner as heretofore recorded at Quarter Sessions; and the duties, liabilities, fees, and emoluments of the Clerks of the Peace in respect thereof, shall continue the same as if such returns had been made to the Court of General Sessions, until otherwise varied by competent authority."

Entry of returns by clerks of the peace.

45. The Treasurer of the County shall furnish the Board of Audit with a copy of the items disallowed by the Provincial Treasurer in the criminal justice accounts of the previous quarter, and the Board shall have power, in their discretion, to deduct

Doubtful items in accounts.

deduct the amounts so disallowed from the next, or any accounts of the same officers submitted for audit.

2. The said Board shall also have power to direct the Treasurer to defer payment of any accounts, or any items in any of the said accounts, connected with criminal justice, payable out of the Consolidated Revenue Fund of the Province, of which they may have doubt either as to the liability of the Province or the correctness of the amount charged, until the decision of the Provincial Treasurer as to the correctness or allowance of the said items, has been notified to the County Treasurer.

MUNICIPAL INSTITUTIONS.

Definition of County Town.

36 V. c. 48, s.
1, amended

46. The following clause is hereby added to section one of the Act respecting Municipal Institutions in the Province of Ontario.

County Town
defined.

11. "County Town,"—the City, Town, or Village in which the Assizes for the County are held.

Seniority of Townships on Union.

36 V. c. 48, s.
29, amended.
Seniority of
Townships on
Union,

47. Section twenty-nine of the Act respecting Municipal Institutions in the Province of Ontario is hereby amended by adding at the end thereof the words following:—"and if there be no such revised assessment roll for any of such townships, then the order of seniority shall be determined by the proclamation or by-law, as the Lieutenant-Governor or County Council may think fit."

Nomination day at elections in remote Townships.

County Council may by by-law, lengthen time between nomination and polling in remote townships.

48. Every County Council may, by by-law, made on or before the first day of July in any year, provide that the day for the nomination of candidates for Reeve, Deputy-Reeves, and Councillors in Townships situate in remote parts of the county shall be upon the last Monday but one in December, but all the other provisions of law relating to municipal elections shall apply to the elections in such Townships.

Copy of by-law to be sent to townships affected.

2. Forthwith, after the passing of such by-law, the County Clerk shall transmit a copy thereof to the Clerks of the townships to which the same relates.

First elections in new Municipalities.

39 V. c. 48, s.
86, amended.

49. Section eighty-six, of the Act passed in the thirty-sixth year of Her Majesty's reign, entitled "An Act respecting Municipal Institutions in the Province of Ontario," is hereby amended by adding the following at the end of the said section: Provided always, that the nomination of candidates, and the

Nomination of candidates.

election of such officers as may be unopposed, may, and shall be proceeded with at the same time and in the same manner as if such change had gone into effect on the last Monday of the month of December preceding such first election, or on such other day as the nominations may lawfully be held.

Oath of Voter at Municipal Elections.

50. In addition to the particulars as to which a person claiming to vote at municipal elections or upon by-laws submitted for the assent of the electors may now be required to make oath or affirmation, such person may be required to make oath or affirmation that he has not received anything nor has anything been promised to him directly or indirectly either to induce him to vote at the election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith, and that he has not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

Particulars
added to oaths

Time and place for holding Polls at voting on By-laws.

51. Sub-section one of section two hundred and thirty-one of the Act passed in the thirty-sixth year of Her Majesty's reign and chaptered forty-eight is hereby repealed, and the following inserted in lieu thereof:

Sec. 231 sub-
sec. 1.
repealed.

(1.) The Council shall by the by-law fix the day and hour for taking the votes of the electors thereon, and at such places in the Municipality as the Council shall in their discretion deem best, and such day shall not be less than three, nor more than five weeks after the first publication of the proposed by-law.

First elections in Municipalities in unorganized Districts

52. The Act passed in the thirty-eighth year of Her Majesty's reign, and chaptered twenty-eight, shall not apply to the first elections in municipalities established under the Act passed in the thirty-fifth year of Her Majesty's reign and chaptered thirty-seven, but at such elections the votes shall be taken and the elections held as in the next section of this Act provided.

Voting by ballot not to apply to first elections in unorganized districts.

53. Sections six and seven of the said Act, passed in the thirty-fifth year of Her Majesty's reign and chaptered thirty-seven, are hereby repealed, and the following provisions substituted therefor:—

35 V. c. 37, ss
6 and 7, re-
pealed.

(1.) The officers to be elected at the election mentioned in the fifth section of said Act, shall be one Reeve and four Councillors, who shall have the same qualification as voters, and shall constitute the Council of the Township, the Reeve being the head thereof.

Council, of
what officers
composed.

(2.)

Qualification
of voters.

(2.) The persons qualified to vote at said election shall be male British subjects of the full age of twenty-one years being householders resident in the locality proposed to be organized into a municipality.

Nomination.

(3.) At the time and place appointed by the Stipendiary Magistrate under the fifth section of said Act, the nomination of candidates shall be made in the same manner as is provided in respect to the nomination of candidates at municipal elections.

Election by
acclamation.

(4.) In case no more persons are nominated than are required to be elected, the Returning Officer shall declare such persons to be elected.

Notice of
time and place
of holding poll
where re-
quired.

(5.) In case a poll is required the Returning Officer shall adjourn the proceedings until the same day of the following week, and shall declare the place at which a poll will be opened in the locality, and shall forthwith post up in at least six of the most public and conspicuous places in the locality, a notice declaring that a poll will be held at such time and place.

Poll book and
how filled up.

(6.) The Returning Officer shall, previous to the opening of the poll, procure a poll book, and he shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election and shall in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name.

Casting vote.

(7.) In case a casting vote is required to determine an election, the Returning Officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the Returning Officer shall not vote at any such election.

Term of office
of first member
of Council.

(8.) The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting.

Oath of voters.

(9.) The following shall be the oath to be administered to voters at such election.

You swear (*or solemnly affirm*) that you are A. B.

That you are a subject of Her Majesty by birth (*or naturalization*).

That you are of the full age of twenty-one years; that you are a householder in the locality now proposed to be organized into a municipality.

That you have not received anything nor has anything been promised you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with the said election; So help you God.

Licensing Auctioneers, Hawkers, etc., in Districts.

Townships
and Villages
in District to
have power to
license Auc-
tioneers, &c.

54. Except in the cases of Townships and Villages attached or belonging to a County for municipal purposes, the Councils of Townships and incorporated Villages in Provisional Judicial, Temporary

Temporary Judicial, and Territorial Districts shall hereafter have power to pass by-laws for the purposes mentioned in subsections two and three of the three hundred and eighty-third section of the Act respecting Municipal Institutions in the Province of Ontario.

ASSESSMENT OF PROPERTY.

55. The forty-ninth section of the Assessment Act of 1869 is hereby amended by inserting at the end of said section, and as part of the form of certificate the words "and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid."

Certificate of Assessor to state that notice sent to person assessed shows the correct amount.

56. Section sixty-one of "The Assessment Act of 1869" is hereby repealed, and the following substituted:—

61. "The Roll as finally passed by the Court and certified by the Clerk as passed, shall, except in so far as the same may be further amended on appeal to the Judge of the County Court be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll or any defect, error or mis-statement in the notice required by section forty-eight of this Act or the omission to deliver or transmit such notice."

Roll to be binding, notwithstanding errors in it or in notice sent to persons assessed.

DRAINAGE WORKS.—APPEALS FROM ASSESSMENT.

57. The complaints referred to in the four hundred and forty-seventh section of the Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered forty-eight, and the eleventh section of the Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered thirty-eight, shall be to the Court of Revision of the Municipality in which the lands or roads lie, and the appeal from the Court of Revision shall be to the Judge, or Junior or acting Judge, of the County Court of the County within which such Municipality is situate; and in case of any such complaint, the Clerk with whom the roll is deposited shall transmit to the Court of Revision a certified copy of so much of the said roll as relates to such Municipality; and in case, on any such complaint or appeal, the assessment is varied in respect of the property which is the subject of the complaint or appeal, the Court or Judge, as the case may be, shall vary *pro rata* the assessment of the said and of the other lands and roads benefited as aforesaid, without further notice to the persons interested therein, so that the aggregate amount assessed shall be the same as if there had been no appeal; and the Judge or in case there is no appeal to the Judge, the Court of Revision shall return the roll to the Municipal Clerk from whom it was received, and the Assessors shall prepare and attest a roll in accordance with their original assessment as altered by such revision.

Reference of complaints against assessment for drainage.

LINE

LINE FENCES.

37 V. c. 25,
s. 11, amended

58. Section eleven of the "Ontario Line Fences Act" is hereby amended by striking out the words "not less than," in the sixth line of said section, and substituting therefor the word "within."

DITCHING WATER COURSES.

38 V. c. 26,
amended.

59. The Act respecting Ditching Water-courses, passed in the thirty-eighth year of Her Majesty's reign, and chaptered twenty-six, is hereby amended by inserting the following section between sections six and seven.

Fence-viewers
may order
opening of
ditch across
another per-
sons land.

6a. If it appears to the fence viewers that the owner or occupier of any tract of land is not sufficiently interested in the opening up the ditch or water-course to make him liable to perform any part thereof, and at the same time that it is necessary for the other party that such ditch should be continued across such tract, they may award the same to be done at the expense of such other party; and after such award, the last mentioned party may open the ditch or water-course across the tract, at his own expense, without being a trespasser.

38V. c. 26, s.
14, amended.

60. Section fourteen of the "Act respecting Ditching Water-courses," is hereby amended by striking out the words "not less than" in the sixth line of said section, and substituting therefor the word "within."

MUTUAL FIRE INSURANCE COMPANIES.

Optional with
directors to
pay claims
void under 36
V. c. 44, ss.
37-40.

61. It shall be optional with the directors of a Mutual Fire Insurance Company, to pay or allow claims which are void under sections thirty-seven, thirty-eight, thirty-nine or forty of the Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario, in case the said directors think fit to waive the objections mentioned in said sections.

JOINT STOCK COMPANIES BY LETTERS PATENT.

37 V. c. 35,
s. 7 repealed.
Namedifferent
from that pro-
posed may be
given without
further notice.

62. The seventh section of The "Ontario Joint Stock Companies' Letters Patent Act, 1874," is hereby repealed, and the following substituted therefor: (7) The Letters Patent shall recite such of the material averments of the notice and petition so established, as the Lieutenant-Governor may find convenient to insert therein; and the Lieutenant-Governor may, if he thinks fit, give to the Company, a corporate name different from the name proposed by the applicants in the published notice; and the objects of the Company as stated in the Letters Patent may vary from the objects stated in the said notice, provided the objects of the Company as stated in the Letters Patent, shall be of a similar character to those contained in the notice published as aforesaid.

63. Section ten of The "Ontario Joint Stock Companies' Letters Patent Act, 1874," is hereby amended by striking out the words "any real estate requisite for the carrying on of the undertaking of such Company," and substituting therefor "real estate subject to any restrictions or conditions in the Letters Patent set forth."

37 V. c. 35, s.
10 amended.

64. Where a notice has been published according to the rules of the Legislative Assembly for an Act incorporating any Company, the incorporation whereof is sought for objects for which incorporation is authorized by the "Ontario Joint Stock Companies' Letters Patent Act, 1874," and a Bill has been introduced into the said Assembly in accordance with such notice, and is subsequently thrown out or withdrawn, then in case a petition to the Lieutenant-Governor for the incorporation under such Act of such Company is filed with the Provincial Secretary within one month from the day of the termination of the Session of the Assembly for which the said notice was given, such notice may be accepted in lieu of the notice required by the fourth section of the said Act.

Notices for incorporation of companies by the legislature may in certain cases be accepted as notices for Letters Patent.

65. The Lieutenant-Governor may dispense with the publication of the notice mentioned in section four of said Act in any case in which the capital of the proposed Company is three thousand dollars or under, and in such case the petition to the Lieutenant-Governor shall state the particulars mentioned in section four in addition to the particulars mentioned in section five.

Lieutenant-Governor may dispense with notice when capital \$3000 or under.

CHANGE OF NAME OF COMPANIES.

66. Where any incorporated Company within the legislative authority of the Legislature of this Province, whether incorporated under a special or general Act, is desirous of changing its name, the Lieutenant-Governor upon being satisfied that the Company is in a solvent condition, that the change desired is not for any improper purpose, and is not otherwise objectionable, and that the notice hereinafter provided for has been duly given, may, by Order in Council, change the name of the Company to some other name set forth in the said Order.

Applications to Lieutenant-Governor to change names of Companies.

(2.) Any affidavit or affirmation proposed to be submitted for the purposes of this section may be sworn or made before any Commissioner for taking affidavits in any of the Superior Courts.

Affidavit.

(3.) Such change shall be conclusively established by the insertion in the *Ontario Gazette* of a notice thereof by the Provincial Secretary.

Change to be published in *Gazette*.

(4.) The Company shall give at least four weeks' previous notice in the *Ontario Gazette* and in some other newspaper published in the locality in which the operations of the Company are carried on, of the intention to apply for the change of name, and shall state the name proposed to be adopted;

Notice of intention to apply.

adopted ; and in case the proposed name is considered objectionable, the Lieutenant-Governor in Council may if he thinks fit, change the name of the Company to some other unobjectionable name without requiring any further notice to be given.

Change
not to affect
suits or con-
tracts.

67. No contract or engagement entered into by or with the Company, and no liability incurred by it shall be affected by the change of name ; and all suits commenced by or against the Company prior to the change of name may be proceeded with against or by the Company under its former name.

ENDORSEMENT OF DEBENTURES, THE PROPERTY OF THE PROVINCE.

Debentures
payable to
order belong-
ing to the
Province.

68. In case a debenture which is the property of the Province is, in the body thereof, or by endorsement, made payable to the order of the Treasurer of Ontario, either in his own name, or in his name of office, and such debenture has not been endorsed by such Treasurer while holding office, then any of his successors in office may lawfully endorse every such debenture, and such endorsement shall have the like effect as if it had been made by the Treasurer to whose order such instrument was made payable.

DRAINAGE DEBENTURES.

Investments
under 36 V. c
39, s. 24.

69. Subject to the provisions of section twenty-four of the Act passed in the thirty-sixth year of Her Majesty's Reign, entitled *An Act to authorize the investment of certain moneys in debentures to be issued for the construction of Drainage Works by Municipalities*, the Commissioner of Public Works may certify to the propriety of investments proposed to be made under the said Act, notwithstanding the by-law, under which the debentures intended to be purchased are issued, provides for the issue of debentures to a larger amount than twenty thousand dollars, but not to exceed thirty thousand dollars : Provided that the amount invested under the said Act in the purchase of debentures of any municipality shall not at any time exceed twenty thousand dollars.

SALE OF TIMBER SEIZED FOR CROWN DUES.

C. S. C. c. 23,
s. 6, amended.

70. The sixth section of the Act chaptered twenty-three of the Consolidated Statutes of Canada, is hereby amended by substituting the word "two" for the word "twelve," where it occurs in the second line of the said section.

ASYLUMS FOR THE INSANE.

34 V. c. 18, s.
7 amended.

71. Section seven of the Act passed in the thirty-fourth year of Her Majesty's reign and chaptered eighteen as amended by

by the thirty-first section of the Act passed in the thirty-sixth year of Her Majesty's reign and chaptered thirty-one is hereby amended, by inserting after the word "therein" in the third line of said section seven, the words "or to the authorities of any other Asylum to which such lunatic may have been, or may be removed by the order of the Inspector of Asylums and Public Charities, to detain him in such Asylum."

2. The said Acts are hereby further amended by inserting after said section seven the following clause as section 7a of the said Act passed in the thirty-fourth year of Her Majesty's reign and chaptered eighteen :

(7a.) Where any obligation or agreement has been or may be entered into with the Bursar of an Asylum or with Her Majesty to secure the payment of the charges for the maintenance of any patient in an Asylum, or to secure the payment of part thereof, such obligation and agreement shall be and continue in force and binding, and the parties thereto shall be and continue liable for the maintenance or partial maintenance of the said patient, so long as he is maintained in a Provincial Asylum, notwithstanding his removal to an Asylum different from that named in the obligation or agreement: Provided, that when such obligation or agreement is for a limited period of time, nothing herein contained shall be construed to extend the liability beyond the period limited.

New Section
7a inserted.

Agreements
for maintenance of patients to continue in force notwithstanding a removal to a different asylum.

TEMPERANCE ACT OF 1864, AMENDED.

72. Notwithstanding anything contained in section eight of the Temperance Act of 1864, every such prohibitory by-law as therein mentioned, whether heretofore or hereafter passed, shall come into force from the First day of May next after the final passing thereof, but this provision shall not affect any question as to the validity of any by-law heretofore passed, or the time at which any by-law which may be voted on before the First day of May next shall go into effect.

27-8 V. c. 18,
s. 8 amended.

REGISTRATION OF COPARTNERSHIPS.

73. The time for registering any declaration of partnership under the provisions of the "Registration of Copartnership Act of 1869," and of the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered eighteen, is hereby extended to the First day of January, 1878, and no suit or action shall lie for the recovery of any penalty imposed by said Acts, or either of them, either for failing to register such declaration as required by law, provided the same shall be registered on or before the said First day of January, 1878, or where the partnership has heretofore ceased to exist, either by dissolution or otherwise ; but this shall not apply to, or affect, any suit or action now pending, or affect any cause in which the right of action for the penalty imposed by the said Acts is now barred under the provisions of the existing law, but any such suit or action now

Time for registering under
33 V. c. 20, and
35 V. c. 18, extended to 1st
July, 1877.

pending may be stayed by an order of a Judge on payment of the costs thereof; and when the partnership is existing at the date of such order, then on proof of the registration of such partnership.

ELECTIONS TO LEGISLATIVE ASSEMBLY.

39 V. c. 10, s.
24, amended.

74. Section twenty-four of the Act passed in the thirty-ninth year of Her Majesty's reign, and chaptered ten, is hereby amended by inserting at the beginning of the said section, the words following: "Where the majority of the successful candidate is under fifty."

COMMENCEMENT OF ACT OF THE PRESENT SESSION RESPECTING COURTS OF COUNTY OF YORK.

Commence-
ment of a
certain Act.

75. The first section of the Act passed in the present Session, entitled "An Act respecting the County Court and General Sessions of the Peace and Surrogate Court of the County of York," is not to go into effect until after the first day of April next.

LICENSES FOR SALE OF SPIRITUOUS LIQUORS.

No license to
be granted to
commissioner
or inspector.

76. A license shall not be granted under the provisions of any Act respecting the sale of spirituous or fermented liquors to or for the benefit of any person who is a License Commissioner or License Inspector, and every license so issued shall be void.

After 1 July,
1877, license
not to be issued
for any pre-
mises owned
by such person
in his district.

77. A license shall not after the first day of July next, be issued under the provisions of any of the said Acts for premises within any License District of which any of the License Commissioners or of the License Inspectors for such District shall be the owner, and every License Commissioner who shall after that day knowingly issue, and every License Inspector who shall after that day knowingly recommend the issue of a license for any such premises, contrary to the provisions of this section, shall incur a penalty of five hundred dollars.

Last section,
not to apply to
companies in
which commis-
sioner, &c., is
a shareholder.

78. Section seventy-seven of this Act shall not extend or apply to premises owned or occupied by a joint-stock company in which a License Commissioner is a shareholder, but in every such case the License Commissioner shall not after the first day of July next, under a penalty of five hundred dollars, vote upon any question affecting the granting of a license to the company, or for premises owned or occupied by it.

CHAP. 9.

An Act to give the right of Voting to Farmers' Sons in certain cases.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Wherever the following words occur in this Act, they shall be interpreted as follows : Interpretation.

(1) The word "Owner" shall signify proprietor, in his own right or in the right of his wife, of an estate for life, or any greater estate, either legal or equitable, except when the owner is a widow, and in such latter case the word "Owner" shall signify proprietor in her own right of any such estate.

(2) The word "Farm" shall mean land actually occupied by the owner thereof, and not less in quantity than twenty acres. "Farm."

(3) The word "Son" or "Sons," or "Farmer's Son," shall, for the purposes of this Act, mean any male person or persons not otherwise qualified to vote, and being the son or sons of an owner and actual occupant of a farm. "Son," &c.

(4) The word "Election" shall mean an election for a member to the Legislative Assembly of this Province, or to a municipal council, as the case may be. "Election."

(5) The words "To vote" shall mean to vote at an election. "To vote."

(6) The word "Father" shall include step-father. "Father."

2. For the purposes of assessment, every farmer's son *bona fide* resident on the farm of his father or mother, at the time of the making of the assessment roll, shall be entitled to be, and may be, entered, rated and assessed on such roll, in respect of such farm, in manner following : Mode of assessing farmers' sons resident on their parents' farm.

(1) If the father be living, and either the father or mother be the owner of the farm, the son or sons may be entered, rated and assessed, in respect of the farm, jointly with the father, and as if such father and son or sons were actually and *bona fide* joint owners thereof. If father living.

(2) If the father be dead, and the mother is the owner of the farm, and a widow, the son or sons may be entered, rated and assessed, in respect of the farm, as if he or they was or were actually and *bona fide* an occupant or tenant, or joint occupants or tenants thereof, under the mother, and within the meaning of "The Election Law of 1868;" and If father dead and farm owned by the mother.

(3) It is hereby declared that temporary absence from the farm within the meaning of section three of this Act shall not operate to disentitle a son to be considered *bona fide* resident as aforesaid. Where more than one son so resident.

Provided,

Provido.

Provided, that if there be more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to be assessed and to vote under this Act shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give the qualification to vote; provided, moreover, that if the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote, then the father shall be the only person entitled to be assessed and to vote in respect of such farm.

What farmers' sons to have the right of voting.

3. In addition to the persons hitherto entitled to vote, the right to vote shall hereafter belong to every farmer's son residing at the time of the election in the Electoral Division or Riding in which he tenders his vote, and having resided therein, on the farm of his father or mother, for twelve months next prior to the return, by the Assessors, of the assessment roll on which the voters' list used in the election is based: provided (1), that he is of the full age of twenty-one years, and is a subject of Her Majesty by birth or naturalization, and is not disqualified under sections two, three, or four of "The Election Law of 1868;" and (2), that he is, in accordance with the provisions of this Act, rated on the assessment roll for such farm, at an amount sufficient to give a qualification to vote at the election; and (3), it is hereby declared that occasional or temporary absence from the farm, for a time or times not exceeding in the whole four months of the twelve hereinbefore mentioned, shall not operate to disentitle a son to vote under this Act.

Farmer's son entitled to vote may require his name to be entered on assessment roll and voters' lists.

4. A son entitled to be assessed under any of the preceding provisions, may require his name to be entered and rated on the assessment roll as a joint or separate owner, occupant, or tenant of the farm, as the case may be; and such son so entered and rated shall be liable in respect of such assessment as such owner, tenant, or occupant, and shall be entered on the voters' lists and alphabetical lists of voters accordingly; and such son shall, in all respects and for all purposes, have the right to apply and complain to the Court for the revision of the voter's lists, and to have his name entered and inserted on the assessment roll; and in any list of voters, in the same manner and with the same effect as if he were actually and *bona fide* a joint or separate owner, tenant, or occupant, as the case may be, of the said farm.

Entries on roll for 1877

5. If the assessment for the year 1877 be completed before the passing of this Act, any son who would be entitled were such assessment not so completed, to have his name entered on the

the assessment roll, or voters' list, may apply in that behalf to the Court of Revision or to the County Judge or to the Court for the revision of voters' lists, as the case may be, and shall be entitled to have his name entered on such assessment roll and on the list of voters in the same manner and with the same effect as if this Act had come into force on the first day of January next prior to the passing thereof, and the proceedings under this section shall be the same as in other cases under "The Assessment Act of 1869," and amendments thereto, and "The Voters' Lists Act of 1876."

6. The penalties imposed on any officer under the Assessment Acts or "The Election Law of 1868," for omitting or refusing to comply with the law, shall be imposed on and recoverable in like manner from all such officers as may refuse or neglect to observe the terms of this Act.

Penalties for non-compliance with this Act.

7. Nothing in this Act contained shall operate to diminish or affect the amount of statute labour for which the parent and sons respectively would be liable if this Act had not been passed.

Act not to affect amount of statute labour.

OATH.

8. The oath or affirmation to be required at an Election to the Legislative Assembly, from a son claiming to be entitled to vote under this Act, shall be as follows:

You swear (*or solemnly affirm*) that you are the person named (*or purporting to be named by the name of*) in the list of voters now shown to you (*showing the list to the voter*);

Form of oath to be administered to farmers' sons voting at elections to Legislative Assembly.

That either at or prior to the time of the last final revision of the assessment roll on which this list is based, said prior time being that at which said roll was returned by the Assessor, A. B. (*viz., the father or mother naming him or her*) was, as you verily believe, actually, truly, and in good faith possessed to his (*or her*) own use and benefit as owner of the real estate, in respect of which your name is so as aforesaid entered on said list of voters;

That you are a son of said A. B.; that you resided on the said property for twelve months next before the return by the Assessor of the assessment roll on which the voters' list used in this election is based, not having been absent during that period except temporarily and not more than four months in all;

That you are still a resident of this Electoral Division, and are entitled to vote at this election;

That you are a subject of Her Majesty, by birth (*or naturalization*);

That you are of the full age of twenty-one years;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you

to

to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election ;

So help you God.

Form of oath
of farmers'
sons voting at
municipal
elections.

9. The oath or affirmation to be required at a Municipal Election from a son claiming to be entitled to vote under this Act shall be as follows :—

You swear (*or solemnly affirm*) that you are the person named (or purporting to be named by the name of _____), in the list of voters now shown to you (*showing the list to the voter*) ;

That either at or prior to the time of the last final revision of the assessment roll on which this list is based, such prior time being that at which said roll was returned by the Assessor, A. B., (naming him or her) was actually, truly, and in good faith possessed to his (or her) own use and benefit as owner (as you verily believe), of the real estate in respect of which your name is so as aforesaid entered on said list of voters ;

That you are a son of the said A. B. ; that you resided on the said property for twelve months next before the return by the Assessor of the assessment roll on which the voters' list used in this election is based not having been absent during that period except temporarily and not more than four months in all ;

That you are still a resident of this Municipality and entitled to vote at this election ;

That you are a subject of Her Majesty by birth (*or naturalization as the case may be*) ;

That you are of the full age of twenty-one years ;

That you have not before voted at this election ;

That you have not voted before or elsewhere in this municipality for the election of Mayor, Reeve, or Deputy-Reeve (as the case may be) ;

That you have not received anything, nor has anything been promised you either directly or indirectly either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election ;

So help you God.

Act to form
part of 32 V.
c. 21 ; 36 V. c.
36 ; 36 V. c.
48, and other
Acts.

10. This Act shall be construed as one with "The Election Law of 1868," "The Assessment Act of 1869," and "The Act respecting Municipal Institutions in the Province of Ontario," and with any other enactments relating to the subject matter of this Act.

CHAP. 10.

An Act to amend the Acts relating to the Election of Members of the Legislative Assembly.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section five of "The Voters' List Act of 1876," is hereby amended by striking out the words "and delivered or transmitted the other copies as hereinbefore required" in the fourth and fifth lines of the said section; and Form Three appended to the said Act is hereby amended by striking out the words "and transmitted and delivered the copies thereof" in the twentieth and twenty-first lines of said Form. 39 V. c. 11, s. 5 amended.

2. Section three of said Act is hereby amended by striking out the words "stating the date of the first posting up of the said list in his office," and substituting therefor the words "which shall state that he has delivered or transmitted the copies of said list as directed by this Act, and shall also mention the date of first posting up of said list in his office." Sec. 3, amended.

2. Form Two in the Schedule to said Act is hereby repealed, and the Form given in Schedule A to this Act substituted therefor.

3. Sub-section three of section two of said Act is hereby amended by striking out all the words of the subsection after the word "Assembly" in the fifth line thereof. Sec. 2, sub-sec. 3, amended.

2. The Form of certificate given in the Schedule to said Act to be endorsed on the voters' list is hereby repealed, and the Form given in Schedule C to this Act substituted.

4. Sub-section three of section four of said Act is hereby amended by inserting after the word "therein," in the seventh line of said subsection, the words "and the person who has parted with such property may apply to the Judge to be entered on the list in respect of any other property which he may have acquired in the municipality and for which he has not been assessed, or in respect of income." Sec. 4, sub-sec. 3, amended.

2.. Any person who is rated, or liable to be rated, on the assessment roll, for real property or income of the amount requisite to entitle him to vote, and who will be of the age of twenty-one years at any time within sixty days from the final revision and correction of the assessment roll, shall be entitled to apply to the Judge to have his name entered upon the voters' list or upon the assessment roll and the voters' list, as the case may require.

Assessor to state in roll if person is rated as farmer's son

5. Where a person is rated and entered on an assessment roll as a farmer's son within the meaning of the Act of the present Session, entitled "An Act to give the right of voting to Farmers' Sons in certain cases," the Assessor shall state that the person is so rated and entered, inserting for that purpose, opposite his name in the fourth column of the roll the letters F. S.

Farmer's son liable to perform statute labour.

(2.) Such farmer's son shall, if not otherwise exempted by law, be liable to perform statute labour, or commute therefor, as if he were not rated or entered in respect of such land.

Returning Officer to furnish Deputy-Returning Officer with certificate of certain dates.

6. At every election of a member of the Legislative Assembly the Returning Officer shall, before the opening of the poll, obtain from the Clerk of the Municipality, and deliver or cause to be delivered to every Deputy Returning Officer, a certificate in the form of Schedule B to this Act, of the day when the assessment roll, upon which the voters' list to be used at the election is based, was returned by the Assessor, and also of the day upon which the same was finally revised and corrected.

Clerk to give certificate.

2. The Clerk shall give such certificates upon being required so to do by the Returning Officer or any other person who applies for the same, and shall be subject to a penalty of two hundred dollars in case of neglect or refusal.

Fee.

3. For every such certificate the Clerk shall be entitled to receive the sum of twenty-five cents.

Certificates to be evidence of dates.

4. Such certificate when delivered to the Deputy Returning Officer shall be the evidence upon which he shall act in inserting in the oath to be administered to voters the date of the return or final revision, of the assessment roll, as the case may be.

Form O in Schedule to Election Law of 1868 amended.

7. Form O in the Schedule appended to the Election Law of 1868, is hereby amended by striking out the words "at the time of the last final revision and correction of the assessment roll on which this list is based for this Township (City, Town or Village, as the case may be)" in the fourth, fifth and sixth lines, and substituting therefor the words "on the day of one thousand eight hundred

(the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based for the Township, City, Town, or Village, as the case may be)" and by striking out the words "parted with such possession" in the eleventh and twelfth lines, and substituting therefor the words "ceased to be such owner, tenant or occupant, as the case may be."

Form A in Schedule to V. c. 3, amended.

8. Form A in the Schedule to the Act passed in the thirty-eighth year of Her Majesty's reign, and chaptered three, is hereby amended by striking out the words "at the time of the last revision and correction of the assessment roll on which this list is based for the Township of (as the case may be)"

in the fourth, fifth and sixth lines, and substituting therefor the words "on the day of one thousand eight hundred (*the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based for the Township, City, Town or Village*)," and by striking out the words "*parted with such possession*" in the twelfth line, and substituting therefor the words "*ceased to be such owner, tenant or occupant as the case may be.*"

9. The following shall be the form of oath to be administered to persons voting in respect of real estate, who were at the return of the assessment roll owners or tenants or occupants, as the case may be, of the property in respect of which their names appear on the voters' list, but who ceased to be such owners, tenants or occupants before the final revision of the assessment roll :—

Form of oath for owners, tenants or occupants who cease to be such before final revision of roll.

You swear (*or solemnly affirm*) that you are the person named (*or purporting to be named* by the name of) on the list of voters now shown to you (*showing the list to the voter.*)

That on the day of one thousand eight hundred (*the day certified by the Clerk of the Municipality as the date of the return of the assessment roll for the Township, City, Town or Village, as the case may be*), you were (*and, if the fact be so, still are*) actually, truly and in good faith possessed to your own use and benefit as owner (*or tenant, or occupant, as the case may be*), of the real estate in respect of which your name (*or the said name of*) is entered on the said list of voters (*or, if the party has ceased to be such owner, tenant or occupant, then insert these words, "that you are still a resident of this Electoral District"*) and as such entitled to vote at this election.

That you are a subject of Her Majesty by birth (*or naturalization.*)

That you are of the full age of twenty-one years.

That you have not voted before at this election, either at this or any other polling place.

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or refrain from voting at this election.

So help you God.

10. Section ten of the Act passed in the thirty-ninth year of Her Majesty's reign, and chaptered ten, is hereby amended by striking out the words, "at the time of the last final revision of the assessment roll, on which this list is based, for this Township

39 V. c. 10,
sec. 10,
amended.

ship

ship (City, Town, or Village, as the case may be)," in the seventh, eighth and ninth lines, and substituting therefor the words, "on the day of , 18 (the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll, upon which the voters' list used at the election is based, for the Township, City, Town or Village, as the case may be); and by substituting for the words, "said assessment roll," in the forty-second line, the words, "the assessment roll upon which the list is based."

Schedule K to
37 V. c. 5,
amended.

11. The form of voters' list given in Schedule K to the Ballot Act of 1874 is hereby amended by adding to the heading of column four, after the word "occupant," the words "or farmer's son," and by striking out column six, with its heading (viz., "legal addition.")

SCHEDULE A.

Referred to in Section 2.

CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST.

*Voters' List, 18 .—Municipality of the of
County of*

Notice is hereby given, that I have transmitted or delivered to the persons mentioned in the second section of "The Voters' List Act of 1876," the copies required by said section to be so transmitted or delivered of the list made, pursuant to said Act, of all persons appearing by the last revised assessment roll of the said Municipality, to be entitled to vote in the said Municipality at Elections for members of the Legislative Assembly and at Municipal Elections; and that said list was first posted up at my office, at , on the day of , 18 , and remains there for inspection. Electors are called upon to examine the said list, and if any omissions or any other errors are found therein, to take immediate proceedings to have the said errors corrected according to law.

Dated, &c.

Clerk of the said Municipality.

SCHEDULE B.

Referred to in Section 6.

CERTIFICATE OF CLERK AS TO DUTIES OF RETURN AND FINAL REVISION OF THE ASSESSMENT ROLL.

*Election to the Legislative Assembly for the Electoral District
of 18*

I, A. B., Clerk of the Municipality of , in the County of , do hereby certify that the Assessment Roll for this Township (or as the case may be), of upon

upon which the Voters' List to be used at this election is based, was returned to me by the Assessor for said Township (*or as the case may be*), on the

day of 18 , and that the same was finally revised and corrected on the day of 18 .

Dated this day of 18 .
A. B.

Clerk.

SCHEDULE C.

Referred to in Section 3.

CERTIFICATE TO BE ENDORSED ON VOTERS' LIST.

I, A. B., Clerk of the Municipality of , in the County of , do hereby certify that parts one and three of the within (*or above*) list constitute a correct list for the year 18 , of all persons appearing by the last revised assessment roll of the said Municipality to be entitled to vote at Elections for Members of the Legislative Assembly, and that parts one and two constitute a correct list for said year of all persons appearing by the said roll to be entitled to vote at Municipal Elections in said Municipality; and I hereby call upon all electors to examine the said list, and if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law.

Dated this day of
A. B.,
Clerk.

CHAP. 11.

An Act to amend the Act passed in the thirty-eighth year of Her Majesty's reign, respecting the Readjustment of the Representation in the Legislative Assembly.

[Assented to 2nd March, 1877.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the thirty-eighth year of the reign of Her Majesty, Queen Victoria, and chaptered two, is hereby amended as follows:—

There shall be added after section twenty-five the following sub-sections—that is to say:—

(2.)

38 V. c. 2, s.
25, amended.

Village of
Stouffville di-
vided between
E. and W.
Ridings of
York as to
voters on real
estate.

(2.) In the case of the incorporation of the Village of Stouffville, inasmuch as it was formed out of parts of the Township of Markham, in the East Riding of York, and the Township of Whitchurch, in the North Riding of York, and if such incorporation had not taken place, the electors who are entitled to vote in respect to real estate in the said Village of Stouffville, would have been entitled to vote in one of the two Ridings; and inasmuch as it is desired by the said electors that they should be allowed to vote in the same Riding in which they would have voted if such incorporation had not taken place—for the purpose of elections to the Legislative Assembly, the said electors shall be entitled to vote in the same Riding in which they would have voted if the said incorporation had not taken place.

Income voters.

(3.) In the case of income franchise voters, the said voters shall be entitled to vote in that one of the said two Ridings within which they would respectively be resident if the said incorporation had not taken place.

Two lists to be
prepared.

(4.) The Clerk of the Corporation of the said Village of Stouffville shall, in the preparation of voters' lists, prepare two separate voters' lists, having regard to the two separate Ridings within which the said electors, under these sub-sections, are entitled to vote.

CHAP. 12.

An Act to extend the Voters' Lists Act of 1876, to Municipal Elections, and otherwise to amend the said Act.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

39 V. c. 11, to
apply to muni-
cipal elections.

1. The Voters' Lists Act of 1876, as amended by this Act, shall hereafter apply to Municipal Elections.

Polling sub-
divisions.

2. Where a Municipality is divided into polling sub-divisions for the election of members of the Legislative Assembly, or into electoral divisions for municipal elections, the same polling sub-divisions shall be used for both purposes; and the polling sub-divisions for elections to the Legislative Assembly and municipal elections shall hereafter be made the same in all cases, save as hereinafter provided.

Council of city
town or incor-
porated village
may unite ad-
joining polling
sub-divisions.

3. The Municipal Council of every City, Town or incorporated Village, may by by-law unite, for the purposes of municipal elections, any two adjoining polling sub-divisions.

4.

4. The alphabetical list to be made by the Clerk of every Municipality, immediately after the final revision and correction of the assessment roll in every year, shall hereafter be in three parts, which may be in the form of Schedule A to this Act; Clerk of municipality to make list of voters in three parts.

(a.) The first of the three parts shall contain a correct alphabetical list of all male persons being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and appearing by the assessment roll to be assessed for the real property or income requisite to entitle them to vote in the Municipality at both municipal elections and elections for members of the Legislative Assembly. First part.

(b.) The second part shall contain the names of all other persons of full age and subjects as aforesaid, appearing by the assessment roll to be entitled to vote in the Municipality at municipal elections only, and not at elections for members of the Legislative Assembly. Second part.

(c.) The third part shall contain the names of all other male persons, of full age and subjects as aforesaid, appearing by the assessment roll to be entitled to vote in the Municipality at elections for members of the Legislative Assembly only, and not at municipal elections. Third part.

5. Where a Municipality is divided into polling sub-divisions, the list, to be made in three parts as aforesaid, shall be made for each polling sub-division. List to be made for each polling division.

6. On or before the day of nomination of candidates for municipal offices, if the Collector's roll has been returned to the Treasurer of the Municipality, the Treasurer shall prepare and verify on oath, or if the Collector's roll has not been so returned, the Collector shall prepare and verify on oath, a correct alphabetical list of— List of defaulters in payment of taxes.

1. All persons who, being on the voters' list (that is to say the first and second parts as aforesaid) by reason of their income only, have not paid their municipal taxes on such income on or before the fourteenth day of December preceding the election; and

2. (In Municipalities which have passed by-laws under subsection two of section three hundred and seventy-nine of the Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered forty-eight,) all persons on the voters' list (that is to say the first and second parts aforesaid), who have been assessed for real property, but have not paid their municipal taxes on such real property on or before the fourteenth day of December preceding the election.

7. Where a Municipality is divided into polling sub-divisions, such a list of defaulters shall be made for each polling sub-division. List to be made for each polling sub-division.

8. The person preparing the said defaulters' lists, shall furnish to all persons applying for the same, certified copies thereof and Certified copies to be furnished.

and of the affidavit verifying the same, in the same manner and for the same compensation as copies of the voters list are to be furnished.

Delivery of
copies of
voters' list
and defaulters
list to deputy
returning
officers.

9. In the case of Municipalities which are divided into polling sub-divisions, the Clerk of the Municipality shall, before the poll is opened, deliver to the Deputy Returning Officer for each polling sub-division, a copy, according to the form of Schedule B to the Act passed in the thirty-ninth year of Her Majesty's reign and chaptered five, certified to be correct, of the said first and second parts of the proper list of voters for the polling sub-division (being the parts which contain the names of the persons entitled to vote at such municipal election as aforesaid); and also a copy of the proper defaulters' list for the polling sub-division, certified by the Treasurer or Collector as aforesaid.

Copies may be
obtained from
clerk of peace

10. The copies of the voters' lists in the last section mentioned, may be prepared by the Clerk of the Municipality, or procured from the Clerk of the Peace; and in the latter case the Clerk of the Peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list.

Defaulters list
to be evidence
for deputy re-
turning officer
as to payment
of taxes.

11. The defaulters' list furnished and verified by the Treasurer or Collector as aforesaid, shall be the evidence on which the Deputy Returning Officer shall act in ascertaining the payment or non-payment of taxes by persons entitled to vote in respect of income, or in respect of real property, in the cases mentioned in section six of this Act.

Clerk to give
certificate of
dates of return
and final re-
vision of as-
sessment roll.

12. The Clerk of the Municipality shall before the opening of the poll at municipal elections, deliver or cause to be delivered to every Deputy Returning Officer a certificate (which may be in the form of Schedule B to this Act), of (1) the day when the assessment roll upon which the voters' list to be used at the election is based, was returned by the Assessor, and also (2) of the day when the said assessment roll was finally revised and corrected.

Fee.

2. The Clerk shall also give such certificate, upon payment of the sum of twenty-five cents, to any person applying for the same, under a penalty of two hundred dollars in case of neglect or refusal.

To be evidence
of such date at
the poll.

3. Such certificate, when delivered to the Deputy Returning Officer, shall be the evidence upon which he shall act in inserting in the oath to be administered to voters the date of the return or final revision and correction of the assessment roll, as the case may be.

Assessment
roll when
deemed finally
revised.

4. An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the Municipality, or by the Judge of the County Court in case of an appeal, as provided by the Acts respecting the Assessment of Property, or when the time during which such appeal may be made has elapsed, and not before.

13.

13. Hereafter the persons now called Returning Officers at municipal elections, shall be called Deputy-Returning Officer; ^{Returning officers to be called deputies} and the Clerk of the Municipality shall be called the Returning Officer.

14. Section eight of the Act passed in the thirty-eighth year ^{38 V. c. 28, s. 8, repealed.} of Her Majesty's reign, and chaptered twenty-eight, is hereby repealed;

2. Section nine of said Act is hereby amended by striking out ^{38 V. c. 28, s. 9, amended.} the words "a list of electors for the Municipality similar to the list mentioned in the eighth section of this Act," and substituting the words "copies of the voters' list and defaulters' list for the Municipality, similar to those required to be furnished to Deputy Returning Officers;"

3. Section nine of the Act passed in the thirty-ninth year ^{39 V. c. 5, s. 9, repealed.} of Her Majesty's reign, and chaptered five, is hereby repealed.

15. Section two of the Act passed in the thirty-seventh year ^{37 V. c. 16, s. 2, amended.} of Her Majesty's reign, and chaptered sixteen, is hereby amended by striking out the words "at the time of the last final revision and correction of the assessment roll upon which the list is based" and substituting the words "on the
" day of 18 (the day certified by the
" Clerk of the Municipality as the date of the return or of the
" final revision and correction of the assessment roll upon
" which the voters' list used at the election is based.")

16. Section four of the Act passed in the thirty-seventh year ^{37 V. c. 4, s. 3, amended.} of Her Majesty's reign, and chaptered three, is hereby amended by striking out the words "at the time of the last final revision of the assessment roll on which this list is based for this Township (*City, Town or Village, as the case may be,*) in the sixth, seventh and eighth lines, and substituting therefor the words "on the
" day of 18 (the day certified by
the Clerk of the Municipality as the date of the final revision
and correction of the assessment roll upon which the voters' list
used at the election is based.")

17. The Form of voters' list, given in Schedule B to the ^{Form of voters' list to be used at poll.} Act passed in the thirty-ninth year of Her Majesty's reign, and chaptered five is hereby amended by adding to the heading of column four the words, "or farmer's son," and by striking out column six.

18. Where a by-law is submitted for the assent of the electors ^{List of voters on by-laws submitted to the electors.} of a municipality, the following provisions shall be applicable:—

1. In case of Municipalities which are divided into wards or polling sub-divisions, the Clerk of the Municipality shall, before the poll is opened, prepare and deliver to the Deputy Returning Officer for every ward or polling sub-division, a list in the form of Schedule B to the Act passed in the thirty-ninth year
of

of Her Majesty's reign and chaptered five, containing the names, arranged alphabetically, of all male persons appearing by the then last revised assessment roll to be entitled, under the provisions of the two hundred and thirty-second and two hundred and thirty-third sections of the Act passed in the thirty-sixth year of Her Majesty's reign and chaptered forty-eight, to vote in that ward or polling sub-division, and shall attest the said list by his solemn declaration in writing under his hand.

2. In the case of Municipalities which are not divided into wards or polling sub-divisions, the Clerk shall provide himself with the necessary ballot papers, the materials for marking ballot papers, printed directions to voters and a list of electors for the municipality similar to the list mentioned in the preceding sub-section; and the Clerk shall perform the like duties with respect to the whole Municipality as are imposed upon Deputy Returning Officers in respect of a ward or polling sub-division.

38 V. c. 28,
amended.
Declaration
of secrecy
by agent.

19. Section thirty-three of the Act passed in the thirty-eighth year of the Reign of Her present Majesty and chaptered twenty-eight, is amended by striking out the words "or an agent" in the sixth line thereof, and by inserting the following words after the word "Municipality" in the seventh line thereof, "and if he is an agent of a candidate, in the presence of a Justice of the Peace or of the Clerk of the Municipality, or of the Deputy Returning Officer at whose polling place he is appointed agent."

Proper list to
be used at an
election.

20. The proper list of voters to be used at municipal elections shall be the last list of voters certified by the Judge and delivered or transmitted to the Clerk of the Peace under the Voters' Lists Act of 1876 as amended by this Act; No person shall be admitted to vote unless his name appears upon such list, and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the same person as is intended to be designated in the list of voters.

SCHEDULE A.

FORM OF VOTERS' LIST.

Voters' List, 18 Municipality of

PART I.—List of persons entitled to vote at BOTH Municipal Elections and Elections to the Legislative Assembly.

POLLING SUB-DIVISION, No. 1.

No. on Roll.	Name.	Lot.	Con. or Street.	—
6	Anderson, Henry	N. W $\frac{1}{4}$ 6	3	Owner.
14	Andrews, John	Wly. 14 acres 8	1	Tenant.
1	Archer, James	2	6	Income.
50	Brown, Simon	W $\frac{1}{2}$ 9	2	Occupant.
71	Burton, Samuel	E $\frac{1}{2}$ 17	4	See <i>Subdivision</i> , <i>No.</i>
	&c.	&c.	&c.	&c.

POLLING SUB-DIVISION, No. 2.

No. on Roll.	Name.	Lot.	Con. or Street.	—
4	Archer, Henry	4	3	Owner.
82	Burke, Edmund	W $\frac{1}{2}$ 17	4	Farmer's son.
	&c.	&c.	&c.	&c.

POLLING SUB-DIVISION, No. 3.

LC,

&c.

&c.

PART II.—List of persons entitled to vote at MUNICIPAL Elections ONLY

POLLING SUB-DIVISION, No. 1.

No. on Roll.	Name.	Lot.	Con. or Street.	—
18	Akers, Dan.....	8	4	Tenant.
40	Broom, Ezekiel	13	7	Householder.
	&c.	&c.	&c.	&c.

POLLING SUB-DIVISION, No. 2.

No. on Roll.	Name.	Lot.	Con. or Street.	—
120	Heap, Uriah.....	12	4	Tenant.
42	Phazackerley, Hezekiah	3	7	Freeholder.
	&c.	&c.	&c.	&c.

POLLING SUB-DIVISION, No. 3.

&c.

&c

&c.

F

PART

PART III.—List of persons entitled to vote at Elections to the LEGISLATIVE ASSEMBLY ONLY.

POLLING SUB-DIVISION, No. 1.

No. on Roll.	NAME.	Lot.	Con. or Street.	—
43	Ackroyd, James.....	N ¹ / ₂ 3	4	Occupant.
8	Ames, Joseph	3	7	Owner.
	&c.	&c.	&c.	&c.

POLLING SUB-DIVISION, No. 2.

No. on Roll.	Name.	Lot.	Con. or Street.	—
44	Boyd, Zachary.....	S ¹ / ₂ 3	4	Tenant.
5	Henley, Orator	4	7	Income.
	&c.	&c.	&c.	&c.

POLLING SUB-DIVISION, No. 3.

&c.

&c.

&c.

SCHEDULE B.

Election to the Municipal Council of the
of , 18 .

I, A. B., Clerk of the Municipality of , in the County of , do hereby certify that the assessment roll for this Township (or as the case may be) of upon which the voters' list to be used at this election is based was returned to me by the Assessor for said Township (or as the case may be) on the day of , 18 , and that the same was finally revised and corrected on the day of , 18

Dated this day of 18

A. B.,
Clerk.

CHAP. 13.

An Act respecting payments to unorganized Townships or parts of Districts under the Municipal Loan Fund scheme.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

1. In the unorganized Townships or parts of Districts mentioned in the Schedule to this Act, and being entitled, under the "Act respecting the Municipal Loan Fund debts, and respecting certain payments to Municipalities," to receive the moneys respectively appearing in said Schedule, the Lieutenant-Governor in Council may authorize the expenditure of such moneys in the said respective localities for any of the purposes respecting which organized municipalities can by by-law set apart and appropriate the like moneys coming to them under the said recited Act; and the Lieutenant-Governor may also direct by whom and in what manner such expenditure may be made in the said several unorganized Townships or parts of Districts respectively.

Mode of appropriation by certain unorganized tracts of the moneys to which they are entitled under 36 V. c. 47.

SCHEDULE.

DISTRICT.	DESCRIPTION OF PORTIONS ENTITLED TO ALLOWANCE.	AMOUNT OF ALLOWANCE.
Algoma District.	Unorganized portion consisting of Townships, Sub-districts and Town Plots, &c., not organized for municipal purposes up to 1st January, 1873.....	\$8,256.00
Muskoka District.	Unorganized portions comprising those Townships not organized for municipal purposes up to 1st January, 1873.....	1,010.00
Manitoulin Island.	Unorganized portions comprising the whole of Manitoulin East and Manitoulin West, and that portion of Manitoulin centre not organized for municipal purposes up to 1st January, 1873.....	2,694.00
Parry Sound District.	Unorganized portions comprising Sub-districts and Townships not organized for municipal purposes up to 1st January, 1873.....	1,238.00
Nipissing District.	Unorganized portions comprising the whole district.....	3,582.00

CHAP. 14.

An Act respecting aid to certain Railways and the creation of a Railway Land Subsidy Fund.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Aid to certain
railways.

1. Subject to the conditions of this Act, aid shall be granted out of the Consolidated Revenue Fund to the undermentioned Railway Companies for the construction of the portions of Railway hereinafter mentioned, that is to say :—

(1.) The Victoria Railway Company, from Kinmount Village to Haliburton, a distance of about twenty-two miles, at the rate of six hundred and ninety-two dollars and sixteen cents per mile, per annum, payable half-yearly for twenty years.

(2.) The Whitby and Port Perry Railway Company from Port Perry to Lindsay, a distance of about twenty-seven miles, at the rate of one hundred and seventy-three dollars and four cents per mile, per annum, payable half-yearly for twenty years.

(3.) The Prince Arthur's Landing and Kaministiquia River Railway Company, from Prince Arthur's Landing to Fort William, a distance of about six miles, at the rate of one hundred and seventy-three dollars and four cents per mile, per annum, payable half-yearly for twenty years.

(4.) The Kingston and Pembroke Railway Company, from the Mississippi River to the Madawaska River, a distance of about thirty miles, at the rate of six hundred and ninety-two dollars and sixteen cents per mile, per annum, payable half-yearly for twenty years.

(5.) The Credit Valley Railway Company, from Toronto to Ingersoll, and its branches from Streetsville to Alton, and from Cataract to Elora, being in all a distance of about one hundred and fifty-two and a half miles, at the rate of eighty-six dollars and fifty-two cents per mile, per annum, payable half yearly for twenty years; such last mentioned aid being in addition to former grants to this Company.

(6.) The Montreal and City of Ottawa Junction Railway Company, from the boundary line between Ontario and Quebec, to or near the City of Ottawa, a distance of about sixty-six miles, at the rate of eighty-six dollars and fifty-two cents per mile, per annum, payable half-yearly for twenty-years; such last mentioned aid being in addition to former grants to this Company.

Mode of pay-
ment of grants.

2. The payment in aid of Railways under this Act shall be computed in manner following, that is to say :

(a.)

(a.) If the portion of the railway for which payment is made has been completed between the first day of January and the first day of July, the payments shall be computed as commencing on the first day of January of the preceding year ;

(b.) And if the portion for which the payment is made has been completed between the first day of July and the thirty-first day of December, the payments shall be computed as commencing on the first day of July of the preceding year.

3. All of the said grants of aid are respectively subject to the following conditions : Conditions of grants.

(1.) The Lieutenant-Governor in Council may require any Railway Company so aided to enter into an agreement or agreements with any other Railway Company or Companies, containing such terms and details as the Lieutenant-Governor in Council may approve of, in order to secure running powers or rights of user to such Company or Companies over the line or portion of line of Railway of the Company aided under this Act, or former Acts, or in the discretion of the Lieutenant-Governor in Council, for the haulage thereover of the cars and traffic of such other Company or Companies upon such terms as, in default of agreement between the respective Companies, may be settled upon by the Lieutenant-Governor in Council. Agreements with other Cos. to secure to them running powers over the line aided.

(2.) No payments shall be made to any of the said Companies in respect of the said grants of aid for any portion of their Railway, until the Commissioner of Public Works has reported to the Lieutenant-Governor in Council, that such company has completed the portion of its road in respect of which payment is to be made (including such sidings and station-houses as the Commissioner may think necessary for the accommodation of the public) within the period for completing the Railway or portion thereof named in the Acts relating to the Company, or by this Act, or such other period as may by this or any other Act be fixed for such purpose. Report of Commissioner of Public Works as to completion of line aided.

(3.) Payments may be made as portions of the Railway, not less than ten continuous miles, are completed as aforesaid ; and in cases where the whole distance aided is less than ten miles, then for such distance. Payments as portions are completed.

(4.) After a Company has complied with the conditions necessary, and the Commissioner has reported as aforesaid, scrip or certificates may be issued for and in respect of the said grant, which scrip or certificates may be in the form of Schedule "A" to this Act, or to the like effect ; and when signed by the Treasurer of this Province and the Accountant in his department, and countersigned by the Auditor, every such certificate shall be valid and binding on the Province, according to its tenor and effect ; and it shall not be necessary for any transferee, in good faith, of such certificate to enquire into, or obtain proof of, any facts stated therein, all of which shall be deemed conclusive as against the Province, in favour of such transferee. Scrip certificates.

(5.) The conditions contained in section six of the Act of last Session, entitled "An Act respecting Aid to certain Railways" Conditions in sec. 6, of 39 V., c. 21, to and apply.

and for other purposes," shall apply to all Companies receiving aid under this Act.

Statistical information.

(6.) Each of the said Companies shall furnish such information of the progress of the works on the Railway of the Company as may from time to time be required by the Commissioner of Public Works; and also such statistical or other details, accounts, and information as from time to time may be required from them by the Commissioner after completion of the Railway.

Locations, grades, &c., subject to inspection by Government Engineers.

(7.) The location, grades, the widths, and slopes of cuttings and embankments, the plans of bridges, culverts, buildings, and other structures, the weight and section of iron rails, and other details of proposed construction of the Colonization Railways hereinafter mentioned, shall be subject to inspection and approval by the Government Engineer before the commencement of the works, as well as after completion.

Rails not to be removed without consent of Lieutenant-Governor.

(8.) In order to secure the continuous running of the Railways aided by this Act, the iron or steel rails laid from time to time by any of the said Railways are not to be removed by the Company or by the authority of the Company without the consent of the Lieutenant-Governor in Council, obtained on the recommendation of the Commissioner of Public Works.

Grant to portion of K. & P. Railway cancelled.

(9.) The appropriation heretofore made to the Kingston and Pembroke Railway for that portion of the Railway, not yet under construction from the River Mississippi northward is hereby cancelled.

Times for completion of lines aided, extended.

4. The times respectively limited for the completion of Railways or portions of Railway aided under this Act or under former Acts or Orders in Council duly ratified, are hereby extended to the first day of January, one thousand eight hundred and eighty, and payments may be made as portions of such Railways not less than ten continuous miles are completed, and in cases where the whole distance aided is less than ten miles, then for such distance.

Land set apart to form a fund to recoup the Province for grants in aid of railways.

5. Whereas the construction of Colonization Railways will promote the settlement, and increase the value, of certain unsettled lands in the Free Grant Territory of the Province; and whereas it is desirable that a portion of the said lands should be set apart and sold for the purpose of forming a fund to recoup the Province in respect of moneys expended in aiding Railways; there is hereby set apart for the purpose of being sold, and the proceeds applied to form the fund aforesaid, a tract of land at least ten miles in width on each side of the present projected line of the Victoria Railway, or on each side of the line of the said Railway as the same may hereafter be finally located and established, which tract shall extend from the northern boundary of the Townships of Ayr and Clyde to the River Ottawa at or near the mouth of the Mattawan River.

6. The said lands so set apart as aforesaid, shall be sold at Terms of sale. such price, not less than two dollars per acre, and on such terms and conditions otherwise, as the Lieutenant-Governor may from time to time determine.

7. The moneys arising from the sale of the lands so set apart, shall constitute a fund to be called "The Railway Land Subsidy Fund," and a separate account of the same shall be kept by the Treasurer of the Province. Money to form Railway Land Subsidy Fund.

8. The said Railway Land Subsidy Fund shall be applied as follows : Application of Fund.

(a.) The cost and expenses of the collection of the said Fund shall form and be the first charge thereon.

(b.) The remainder of the said Fund shall be applied in or towards payment of the moneys by this Act granted, or which may hereafter be granted in aid of Railways.

9. All pine trees upon the said lands shall be reserved from sale, and the proceeds of the sale of the said trees shall form no part of the said Railway Land Subsidy Fund. Pine trees reserved.

10. In case after the said lands are placed in the market, the Commissioner of Crown Lands reports in writing that any particular portion or portions of the lands so set apart is or are not worth two dollars per acre, it shall be lawful for the Lieutenant-Governor in Council to reduce the said price, and the same may thereafter be sold at such reduced rate. Reduction of price of lands not worth \$2 an acre.

11. Notwithstanding anything herein contained, the Lieutenant-Governor in Council may dispose, by way of free grant, of any of the lands so set apart as aforesaid, for the right of way of any Railway, or for railway stations or workshops ; or lands necessarily required for constructing or working any Railway ; or any other lands required for public purposes, and of which the Lieutenant-Governor in Council may deem it to be in the public interest to make free grants. Lands so set apart may be disposed of by way of free grants for right of way.

SCHEDULE "A."

PROVINCE OF ONTARIO, CANADA.

Railway Land Subsidy Fund.—Certificate for payment.

No.

This is to certify that under and by virtue of a certain Order made by the Lieutenant-Governor of the Province of Ontario in Council, and dated the _____ under the provisions of an Act of the said Province intituled "An Act respecting aid to Railways, and the creation of a Railway Land Subsidy Fund," the _____

Railway
Company

Company is entitled to receive from the Province of Ontario, a semi-annual subsidy of _____ dollars, payable on the thirtieth day of June, and on the thirty-first day of December, in each and every year, until and inclusive of the thirty-first day of December, one thousand eight hundred and _____, and it is hereby further certified that the Province of Ontario will, upon the _____ day of _____, one thousand eight hundred and _____, and upon the delivery of this certificate to the Treasurer of the said Province at Toronto, pay to the said Company or its assigns, the sum of _____ dollars, and _____ cents, being the amount of subsidy payable to the said Company upon such day. This certificate and any interest in the sum mentioned therein shall not pass or be transferable except by transfer made by special endorsement hereon.

Issued by the Treasurer of Ontario, this _____ day of _____, A. D., 18 _____, in accordance with Order in Council dated _____ day of _____, A. D., 18 _____.

Treasurer.

Accountant.

Countersigned by

Auditor,

CHAP. 15.

An Act respecting "The Free Grants and Homestead Act of 1868."

[Assented to 2nd March, 1877.]

WHEREAS doubts have arisen as to the right of the Commissioner of Crown Lands to issue licenses to cut timber over and upon lots located or sold to free grant settlers under "The Free Grant and Homestead Act of 1868," and it is expedient to remove such doubts;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

31 V. c. 8, and
37 V. c. 23 and
other Acts not
to affect
powers of the
Commissioner
of Crown
Lands to grant
timber licenses
on lots located,

1. Nothing in the said Act or in the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered twenty-three or in any other Act passed by the Legislature of this Province, or within its legislative authority contained, shall be held to have in any way restricted the authority of the Commissioner of Crown Lands to grant licenses to cut timber on lots located or sold under the said Free Grants and Homestead Act of 1868, and
on

on the contrary it is hereby declared that the said Commissioner, etc., in Free Grant districts. ever since the passing of the said Act, had and now has under chapter twenty-three of the Consolidated Statutes of Canada, entitled "An Act respecting the sale and management of timber on Public Lands," full authority to grant licenses to cut timber on lots located or sold under the said Free Grant and Homestead Act of 1868.

2. Every such license heretofore issued whether the same has expired or is still current, and every such license which may be hereafter issued to cut timber within the limits of any territory appropriated as Free Grant territory under the said Free Grants and Homestead Act of 1868, shall be deemed to have been and to be good and valid in all respects whatsoever, for the period for which the same was or may be granted notwithstanding the patent for lands included therein may in the meantime have been issued; and every such license shall be taken to have conferred, and to confer upon the holder thereof, the right to cut timber on the lands included therein until its expiration, whether such lands were or are located or sold under the said Act, or were or are unlocated or unsold, subject however to such conditions, regulations and restrictions specially applicable to the said Free Grant territory, or to the said lots so sold or located as may have been heretofore or may be hereafter made by the Lieutenant-Governor in Council in respect of the payment of timber dues or otherwise, and subject also to such exceptions or restrictions as may be contained in any such license, provided that no license shall confer the right to cut any other than pine timber upon lands which have been located or sold in the said territory prior to the date of such license unless the location or sale shall have been cancelled. Licenses heretofore granted confirmed.

3. The preceding sections shall not apply to any case already adjudicated upon by any Court of this Province, or to any case that was pending on the twenty-eight day of December, one thousand eight hundred and seventy-six. Act not to apply to cases adjudicated before its passing or pending, 28th Dec., 1876.

CHAP. 16.

An Act to amend the several Acts respecting the Education Department, Public and High Schools, and the University of Toronto.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

I.

I. EDUCATION DEPARTMENT.

Part of 37 V.
c. 27, amended

1. The sections and parts of sections hereinafter particularly mentioned, of the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered twenty-seven, are amended in the manner and form herein set forth, that is to say :—

37 V. c. 27, s.
27 (5), amended.
Further powers
to the Depart-
ment to grant
equivalents for
passing High
School Exa-
minations.

1. Sub-section five of section twenty-seven is amended by adding thereto the following: "And to declare the equivalents for the same in the examination for Public School teachers, and *vice versa*. Also to determine the equivalents to High Schools and Collegiate Institutes, where pupils successfully pass examination before learned societies in Canada, or the British Dominions, such as any University, the Law Society, the College of Physicians and Surgeons, and the like. Also to arrange with such societies for similar subjects in certain examinations, and for reciprocally accepting such examinations."

37 V. c. 27,
s. 27 (11),
amended.
Arrangement
with Trustees
for County
Model School.

2. Sub-section eleven of section twenty-seven is amended by adding thereto the following:—"Also to arrange with Trustees or Boards of Public Schools, for constituting one or more of the Public Schools to be the County Model School for the preliminary training of Public School Teachers, subject to general regulations of the Department."

37 V. c. 27,
s. 27, (17),
amended.
Examination
of Normal
School stu-
dents.

3. Sub-section seventeen of section twenty-seven is amended so as to read as follows:—"To require at any Normal School or Training Institution in the Province, examinations to be held from time to time of the students thereof, and to prescribe regulations for such examinations."

37 V. c. 27,
s. 27 (19),
amended.
Regulations as
to elementary
teaching.

4. Sub-section nineteen of section twenty-seven is amended so as to read as follows:—"To provide, by the training of teachers, the programme of studies, and special regulations, for elementary teaching in the Public Schools, and amongst other subjects of the rudiments of Agricultural Chemistry, Mechanics, and Agriculture, but these subjects are to be optional."

37 V. c. 27,
s. 27 (22),
amended.
Condition for
teachers' cer-
tificates.

5. Sub-section twenty-two of section twenty-seven is amended by adding thereto the following:—"And to require such further conditions to be complied with by candidates for Public School teachers' certificates, as will secure duly qualified teachers in the several Schools."

37 V. c. 27,
s. 27 (23),
amended.
Power to grant
second class
certificates.

6. Sub-section twenty-three of section twenty-seven is amended by inserting between the words "first-class" and "certificates" in the second line of the sub-section, the words "and second class;" and by inserting after the said word "certificates" the word "respectively;" and by inserting after the word "award" in the fifth line, the word "also."

7. Sub-section twenty-four of section thirty-one is amended by inserting after the word "Inspector" the words "or such other person as the Minister may appoint." and by inserting after the word "Institutes" the words "or otherwise," and by adding at the end the words "and generally to see that all examinations prescribed by the Department are duly held."

37 V. c. 27, s. 31 (34), amended. Minister to see that examinations are duly held.

8. Sub-section twelve of section thirty-one is amended by inserting after the word "qualification," in the sixth line thereof, the words "of first or second class."

37 V. c. 27, s. 31, amended. As to 2nd class certificates.

9. Sub-section twelve (a) of section thirty-one is amended by substituting for the word "Certificate" in the fourth the line, the word "Examination."

37 V. c. 27, s. 31 (12a), amended. After examination.

10. Section thirty-one is amended by striking out sub-section fifteen (a) and by adding at the end of sub-section sixteen the words "and to encourage Teachers' Associations."

37 V. c. 27, s. 31 (15a) and (16), amended. Teachers' Associations, encouragement, etc.

11. Section thirty-one is amended by adding to sub-section fifteen (b) the following:—"Such person or persons or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon."

37 V. c. 27, s. 31 (15b), amended. Power to commissioners to administer oaths.

12. Section thirty-one is amended by adding the following sub-section after sub-section twenty-nine:—"29(a) To authorize also the payment out of any moneys appropriated by the Legislature for that purpose of one-half of the cost of maps and apparatus which may be purchased by any School Corporation from any person, instead of from the Education Department, subject to like conditions as in the case of library and prize books, and to the regulations of the Department."

37 V. c. 27, s. 31, sub-sec. 29a added. Payment of cost of maps, &c., not purchased from Education Department.

13. Sub-section thirty-one of section thirty-one is amended by striking out the words "on or before the first day of July" and substituting the words "up to the thirty-first day of December."

37 V. c. 27, s. 31 (31), amended. Report to be for calendar year.

14. Section thirty-three is amended by inserting as item (5a) the following:—"For payment of the travelling expenses of teachers attending the Normal Schools, being candidates for second class certificates, and towards their maintenance."

37 V. c. 27, s. 33, amended. Payment for travelling and other expenses of Normal School students.

15. Section seventy is amended by striking out in the third line the words "one half of" and by inserting between the words "the" and "amount" in the same line the word "*minimum*."

37 V. c. 27, s. 70, amended. Equal amount payable by County.

37 V. c. 27, s.
71, amended.

16. Section seventy-one is amended by striking out the words "half of" in the fifth line, and by inserting between the words "the" and "sum" in the same line, the word "*minimum*."

2. The Consolidated Public School Act of 1874, is hereby amended as follows :—

37 V. c. 28, s.
129, amended.

1. Section one hundred and twenty-nine is amended by striking out sub-section twelve (a) and by adding at the end of sub-section thirteen, the words "and to encourage Teachers Associations," and by adding at the end of sub-section twelve (b) the words following :—"Such person or persons or any of them, shall have power to administer oaths to witnesses or require them to make solemn affirmation of the truth of the matters they may be examined upon."

37 V. c. 28, s.
130, amended

2. Section one hundred and thirty is amended by adding at the end of item six the words "and Associations."

II. PUBLIC SCHOOLS.

3. The Consolidated Public School Act of 1874, is hereby further amended as follows :—

37 V. c. 28, s.
149a, repealed
and new sec-
tion sub-
stituted.
Terms and
vacations in
Public
Schools.

In cities,
towns, and
villages.

1. Section one hundred and forty nine (a) is repealed and the following substituted :—"The Public School year shall consist of two terms; the first shall begin on the third day of January, and end on the seventh day of July, the second shall begin on the eighteenth day of August, and end on the twenty-third day of December. There shall be two vacations during the year for Public Schools; the summer vacation shall be from the eighth day of July to the seventeenth day of August inclusive, the winter vacation from the twenty-fourth day of December to the second day of January inclusive; in the case of united Public and High Schools, and also of Public Schools in Cities, Towns, and incorporated Villages, in which High Schools are situate, the vacations shall be the same as are prescribed for High Schools."

37 V. c. 28, s.
71(a).
Mode of
voting.

2. Section seventy-one (a) is amended by adding thereto the following :—"But the voting shall be by open vote, and the provisions of the Acts respecting voting by ballot shall not apply to such elections."

37 V. c. 28, s.
72, amended.
Poll.

3. Section seventy-two is amended by adding after the word "forenoon" the words following: "but may close at any time thereafter when a full hour has elapsed without any vote having been polled;" and by adding, after the word "municipalities," at the end of the section, the words following :—"Except that the poll shall open at ten o'clock in the forenoon instead of nine."

4. The following new section is hereby inserted before section thirty-three :—32(a). “ The school site shall mean such area of land as may be necessary for the school building, offices and play-grounds connected therewith ; and the expression ‘ owner ’ in this Act, shall include a mortgagee, lessee or tenant, or other person entitled to a limited interest, and whose claims shall be dealt with by the arbitration herein provided.”

37 V. c. 28,
new section
32a inserted.
Definition of
“ site ” and
“ owner.”

5. Section forty-eight is amended by inserting at the beginning of sub-section two, “ The Township Council shall pass a by-law,” but this provision shall apply to said sub-section two only.

37 V. c. 28, s.
48, amended.
Imperative on
Township
Council to
pass by-law.

6. Section one hundred and fifty-three is amended by substituting for the words “ Board, or Boards of School Trustees ” the words “ School Corporation.”

37 V. c. 28, s.
153, amended.

7. Section eighty-nine is hereby repealed.

37 V. c. 28, s.
89, repealed.
Repeal of
Board of
Examiners in
cities.

8. Section ninety-two is amended by substituting for the words “ when desired,” in sub-section eight, the words “ in the Trustees’ report or otherwise.”

37 V. c. 28, s.
92 (8) amended.
Teachers’
Report.

9. Section ninety-five (a) is amended by adding after the words “ High School ” the words, “ and the Inspectors of Public and High Schools ; ” and by inserting after the word “ teaching,” the words “ or instructing ” ; and after the word “ annually,” the words “ and they shall respectively be entitled to the superannuation or other allowances to Public School teachers under and subject to the provisions of this Act.”

37 V. 28, s. 85,
amended.
To extend
superannua-
tion to Public
and High
School
Inspectors.

10. Section one hundred and eight is amended by inserting after the word “ Legislature ” the words “ or County Council.”

37 V. c. 28, s.
108, amended.
County Coun-
authorized to
arrange for in-
spection in
remote parts.

11. Section one hundred and ten is amended by inserting after the words “ to him ” the words “ or to the Minister of Education or the Education Department.”

Inquiries on
complaints to
inspector, min-
ister, or de-
partment.

4. Section two hundred and seventy-six of the Act passed in the twenty-ninth and thirtieth years of Her Majesty’s reign, and chaptered fifty-one, is hereby amended by substituting the words “ School Corporation ” for the words “ Board of School Trustees,” in said section.

29, 30 V. c. 51,
s. 276,
amended.

5. To remove doubts it is declared that in the case of rural school section corporations, the resolution, action, or proceeding

Declaratory.
clause.
Quorum of

Trustees and Board.

ceeding of at least two of the Trustees thereof is necessary in order to lawfully bind such corporation, and in case of Public School Boards in Cities, Towns or Villages, or of Township Boards a majority of the members of such Board when present at any meeting duly called shall constitute a quorum, and the vote of the majority of such quorum shall be valid to bind the School Corporation; and in any case of an equality of votes the chairman shall have the casting vote in addition to his own vote. It is also further declared that no by-law for creating a debt for school purposes shall be required to be submitted to a vote of the electors or ratepayers. It is also declared that it is the meaning of sections thirty-three and thirty-four of the Consolidated Public School Act of 1874, that no change in the site of a school-house shall be made without the consent of the majority of the special meeting convened for the purpose, and that the arbitration provided for in said sections shall only be held for the purpose of selecting the new site in case of difference with reference thereto between the majority of such meeting and the trustees.

Vote of electors unnecessary for school debts.

School site, charge and functions of arbitrators.

SPECIAL PROVISIONS.

(1.) *Township Boards.*

Provisions for establishing Township Boards.

6. Sub-sections one (*a*), (*b*), (*c*) and (*d*) of section forty-eight of the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered twenty-eight, and section nineteen of the Act passed in the thirty-ninth year of the said reign, and chaptered seven are hereby repealed, and the following provisions shall henceforth apply to the establishment of Public School Boards in Townships.

1. At the annual meeting in any year of the school sections in a Township, the question of forming a Township Board may be submitted in each section for the decision of the meeting, and whenever in any Township at any such annual meeting two-thirds in number of the School Sections so decide, the Council of such Township shall thereupon pass a by-law to abolish the division of the Township into school sections, and to establish a Public School Board accordingly; and this shall take effect on the first day of January in the next following year, and it shall not be necessary that any portion of the Township which forms a union with another Municipality or portion thereof shall be considered in respect of the said requisite number of two-thirds of the School Sections of the Township.

2. The Township Council shall in the by-law for establishing the Public School Board divide the Township into four wards which shall be the same from time to time as the wards for municipal purposes, when such exist in any Township.

3. After the by-law goes into effect, all the Public Schools ^{Management} of the Township shall be managed by one Board of Trustees. ^{by Board.}

4. At the first and every subsequent election, two fit and ^{Qualifications} proper persons, resident in the Township, and possessing the ^{of members.} same qualifications as are prescribed for Municipal Councillors of the Township, shall be elected School Trustees in and for each ward by a majority of the votes of the resident assessed freeholders, householders and tenants thereof; one of such trustees (to be determined by lot at the first meeting of the trustees after their election), shall retire from office at the time appointed for the next annual school election, and the other shall continue in office for one year longer, and until his successor has been appointed, and shall then retire.

5. Such election shall take place annually on the second ^{Time and} Wednesday in January of every year, at the time, in the man- ^{manner of} ner, and as prescribed by the said recited Act, chapter twenty- ^{election.} eight, and by this Act for the election of Trustees in Towns divided into wards.

6. The Trustees so elected shall be a corporation under ^{Powers of} the name of "The Public School Board of the Township of ^{Board.} in the County of " and shall be invested with, and possess, exercise and enjoy all the rights, property, powers and incidents, and shall be subject to the same duties and obligations as Trustees in Rural School Sections under the provisions of the said recited Act chapter twenty-eight, and in any other statute, by-law, regulation, deed, proceeding, matter, or thing shall be construed to stand and to be substituted for each and all of the Trustees of the former School Sections of the Township.

7. After the Public School Board is established, the por- ^{Effect as to} tions of the Township theretofore united with an adjoining ^{parts united.} Municipality, or a portion thereof, shall cease to be so united, on the first day of January next following the passing of the by-law for establishing the Township Board, and in the intervening period between the passing of the said by-law and such first day of January a new union may be formed under the provisions of this Act, under which the said former union may be continued or another union formed, but the portion of the Township in any former union shall remain liable for any rate such portion was subject to while so united for the payment of any debt or loan, so far as the creditors or lenders thereof are concerned, and in cases where unions now existing are not re-formed under this Act, such unions shall continue to exist under and subject to the provisions of the Acts in force at the time of their formation.

8. The Township Council shall, so soon as the by-law for ^{Adjustment of} establishing the Public School Board is passed appoint the ^{all claims con-} County ^{sequent on}

Board being
established.

County Inspector jointly with two other competent persons, not residents of the Township, and they, or any two of them, shall in a report to the Council, value the existing school-houses, school-sites, and other school property in each and every Section, or portions of the Township, and ascertain their respective debts and liabilities; and the said valuers, or any two of them, shall thereupon adjust and settle in such manner as they may deem just and equitable the respective rights, claims and demands of each and every School Section or portions of the Township and the Township Council shall pass a by-law, and give full effect to the report of said valuers.

Adjustment of
claims in cases
of parts becom-
ing disunited.

9. In cases where a portion of the Township Municipality, on the establishment of the Public School Board, ceases to be united with any other Municipality, or portion thereof, the Council of each such Municipality shall respectively appoint one competent person, who, with the Inspector or Inspectors having jurisdiction in the respective Municipalities concerned, shall in a report to the Councils of the respective Municipalities, value and adjust all rights and claims consequent upon such disunion between the respective portions of such Municipalities, and determine by what Municipality or portion thereof, and in what manner the same shall be settled, and the disposition of the property of the union and any payment by one portion to the other, and the report of the majority of said persons shall be valid and binding; and in cases where the persons to make this report would be an even number, the County Judge shall also be added.

Repeal of By-
law, and for
re-forming
sections.

10. In case twenty resident, assessed freeholders, householders or tenants, in more than one-half of the school wards of the Township, petition the Township Council to submit a by-law to the vote of assessed freeholders, householders and tenants of the Township for the repeal of the by-law under which the Public School Board was established, but not until after the Township Board has existed for five years at least, a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with the Municipal Institutions Act except that the vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the Township Council shall pass a by-law to disestablish such Public School Board, and form School Sections instead thereof; but no repeal shall take effect until the first day of the month of January next following, which will be more than three months after the voting upon the by-law for that purpose, and the Council shall also, in the same or another by-law, appoint the County Inspector jointly with two other competent persons, not residents of the Township, and they or any two of them shall, in a report to the Council, value the school-houses, school sites and other school property which may thereupon become the property of such School Section, and shall also adjust and settle the respective rights

rights and claims consequent on such repeal between the respective School Sections, or between any School Section and the Township, and all payments to be made by or to any of them.

11. In Townships where Public School Boards have already been formed, the same shall continue as they now are in all respects until the first day of January next after the passing of this Act, when the provisions of this Act shall also apply to them as if established under this Act, and the Township Council of each such Township shall, three months at least before the said first day of January, pass the requisite by-law for dividing the Township into wards for school purposes, if there are none such for municipal purposes.

Application to
Board now
existing.

7. Sub-sections ten and ten (a) of section forty-eight of the Consolidated Public School Act of 1874 are hereby amended so as to read as follows :

37 V. c. 23, s.
48. Sub-secs.
10 and 10a
amended.

10. To alter the boundaries of a School Section, or to divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all parties to be affected by the proposed alteration, division or union respectively, have been duly notified by the Council of the proposed proceeding for this purpose, or of any application made to the Council to do so.

Alteration, &c.,
of school sec-
tions.

10 (a.) Any alteration in the boundaries of a School Section or division or union, as in the last preceding sub-section mentioned, made by a Township Council, or the neglect or refusal of the Council to take any such proceeding at the request, in writing, of the Trustees of the School Section concerned, or of the Inspector, may be appealed against to the County Council as provided in section sixty-one of this Act.

Appeal to
County Coun-
cil from alter-
ation, &c:

8. Section sixty-one of said Act is hereby amended, by inserting after the word "formation" in sub-section nine the words "division, union;" and by inserting after the words "to form," the words "divide, unite;" and by adding after "School Sections" in the last line the words "within such Township;" and by inserting after the word "revise" in sub-section nine (a) the word "determine;" and by inserting after the word "sections" in sub-section nine (c) the words "or the determination of the said matters;" and by adding at the end of said last mentioned sub-section the words, "and shall thence continue in full force for the period of five years at least, and until lawfully changed by the Township Council, but such change shall be subject to the like appeal to the County Council."

37 V. c. 23, s.
61, amended.

9. Section twenty-six of said Act is hereby amended by adding at the end of sub-section thirteen the following:—"And may

37 V. c. 23, s.
26, amended.

G

"also

“also arrange for the payment of teachers’ salaries at least quarterly in each year, and if there are not sufficient funds, may borrow such sums as may be required in the meantime, until the taxes imposed therefor can be collected; the Trustees shall by resolution authorize such borrowing, which may be upon their promissory note to be given under the seal of the School Corporation, to be discounted at a rate of interest not exceeding eight per cent. per annum.”

2. RESPECTING THE UNION OF SCHOOL-SECTIONS WITHIN THE SAME TOWNSHIPS.

Adjustment of claims between unions in same Township.

10. The following shall be added as section forty-nine (a), of “The Consolidated Public School Act of 1874”:

“49 (a.) On the formation, dissolution or alteration of a Union School Section, or on the formation, division or alteration of any School Section in the same Township, the County Inspector and two other persons appointed by the Township Council as valuers shall value and adjust in an equitable manner, all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the Township affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said valuers or any two of them shall be final and conclusive.

3. RESPECTING THE FORMATION AND DISSOLUTION OF UNION SCHOOL SECTIONS COMPOSED OF PARTS OF TWO OR MORE MUNICIPALITIES.

Provisions as to Unions and dissolution between parts of two or more Municipalities.

11. All sections and sub-sections contained in the Acts respectively chaptered twenty-seven and twenty-eight, and passed in the thirty-seventh year of Her Majesty’s reign, relating to the formation, alteration, or dissolution of Union Sections, or divisions composed of parts of different Municipalities, or part of one Municipality and another, are repealed, except as to existing Unions and the following are henceforth substituted therefor:—

Unions between parts of two or more Townships and of part of a Township with a Union or Village.

1. A Union School Section may be formed between (1) parts of two or more adjoining Townships, and (2) part of one or more Townships and an adjoining Town or incorporated Village, after authority has been given by by-law of the Council of each Municipality affected; but such union shall not take effect until the first day of the month of January, which will be at least three months after the passing of such by-laws respectively; and such by-laws shall be passed upon and according to the report of competent persons, one of whom not being a member of the Council, shall be appointed by each Municipality concerned, and such persons with the Inspector or Inspectors having jurisdiction

tion in the respective Municipalities or the majority of them shall report upon the expediency of such union, the location of the school-house, or any change in the site thereof, and the proportion in which the part in each Municipality is to be liable to contribute towards the erection and maintenance of the school, and other requisite expenses, and for what period of years, with provisions for the renewal thereof; and the contribution of each part shall be levied therein in each year, according to the assessed value of the property of each rate-payer therein, and not upon any assessed equalization of the assessment in the parts to be united. In cases where the persons to make the said report would be an even number, the Senior County Court Judge shall be added.

2. The union of parts of two or more Townships shall be deemed one School Section, and as belonging to the Township in which the school-house is situated, and the provisions of this Act respecting Rural School Sections shall apply thereto; and, in like manner, the union of part of one or more Townships with a Town or incorporated Village shall be deemed one School District or Division, and as belonging to such Town or Village, and the provisions of this Act respecting Public Schools in Towns or Villages shall apply thereto; and such part of the Township for the election of the Trustees, inspection, taxation, and other school purposes, shall be deemed to be united to such Town or Village.

Union to be
one School
Section.

3. The boundaries of such Union School Section may be altered or dissolved by the Council of either Municipality in which part of the Union is comprised, in case the same is petitioned for by a majority of the assessed freeholders and householders of such part; and in case there shall be any disagreement as to the terms of such alteration or dissolution, the same shall be determined by the Inspector or Inspectors having jurisdiction in the respective Municipalities concerned and one competent person, to be chosen by the Council of each Municipality or the majority of them, but no dissolution shall take effect until the first day of the month of January, which shall be at least three months after the passing of the by-law in that behalf. In case where the persons so to be appointed would make an even number, the Senior County Court Judge shall be added, and the determination of the majority of them shall be final.

No power to
alter bound-
aries.

4. All existing School Sections, and all Unions of School Sections comprised of parts of the same or different Municipalities which now exist in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed as having been legally formed, and such Unions shall hereafter continue to exist, subject, however, to the provisions of this Act, as if they had been formed thereunder; and in cases where any Union has heretofore been adjudged by any Court

Existing
Unions con-
firmed.

or

or Judge to have been illegally formed, or where any proceedings are pending on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the Court or Judge may award.

4. AMENDMENTS AS TO COUNTY INSPECTORS.

Towns may place Schools under County Inspector.

12. Section one hundred and five of The "Consolidated Public School Act of 1874," is hereby amended by adding at the end of said section the following sub-section :—" (e) The Public School Board of any Town not separated from the County may with the approval of the Education Department and subject to its General Regulations, place the schools of such Town under the jurisdiction of a County Inspector, in which case the Inspector shall be entitled to the like salary and remuneration as he receives for Rural Schools."

2. After section one hundred and five the following new section is hereby inserted.

Lieut.-Governor to form remote Districts for Inspection.

105 (a.) The Lieutenant-Governor in Council may constitute any number of Municipalities in other portions of territory, in the rear or remote parts of Counties, and in Judicial or Territorial Districts, to be a district or districts for the purposes of School inspection under said Act, upon such terms, and subject to such regulations as the Lieutenant-Governor in Council may from time to time determine, and the County or Provisional Council concerned, shall provide their proportionate share of the salary of the Inspector, and also of his travelling expenses.

Permits subject to regulations.

3. Sub-section twenty-four of section one hundred and twelve of "The Consolidated Public School Act of 1874," is hereby amended by inserting after the word "teachers" the words "and subject to the regulations of the Education Department."

5. AS TO ASSESSMENT AND COLLECTION OF RATES, &C.

13. The Consolidated Public School Act of 1874, is also hereby amended as follows :—

Verbal correction.

1. Section one hundred and forty-one (a) is amended by adding after the word "Act," the words "and the Municipal and Assessment laws then in force."

Provisions for ascertaining Public and Separate supporters for assessment.

2. Section forty-six is amended by inserting as sub-sections 4 (a), 4 (b), 4 (c), 4 (d), 4 (e) the following :—

" 4 (a.) To cause the Assessor of the Township, in preparing the annual assessment roll of the Township, and setting down therein the School Section of the person taxable, to distinguish

tinguish between Public or Separate, and in setting down therein his religion, to distinguish between Protestant and Roman Catholic, and whether supporters of Public or Separate Schools, and the Assessor shall, accordingly, insert such particulars in the respective columns of the assessment roll prescribed by law for the School Section and religion respectively of the person taxable, and the Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any elector of the Municipality, may give notice in writing to the Clerk of the Municipality of such complaint, and the provisions of 'The Assessment Act of 1869' in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act."

Assessment
roll further
columns.

"4 (b). To cause the Clerk of the Township, in annually making out the Collector's Roll, to place further columns therein, so that under the head of "School rate," the Public School rate may be distinguished from the Separate School rate, and also under "special rate for school debts," to distinguish between Public and Separate School purposes, and the Clerk of the Township shall prepare such Collector's Roll accordingly, and the proceeds of any such rate shall be kept distinct by the Collector, and accounted for accordingly.

Collector's roll
further col-
umns.

"4. (c.) To cause, through their Collectors and other Municipal officers, to be levied in each year, upon the taxable property liable to pay the same, all sums of money for rates or taxes legally imposed thereon in respect of Public or Separate Schools by competent lawful authority in that behalf and at their request, and to account annually for the sums so to be collected."

Collector of
School rates

4. (d.) The foregoing provisions shall be construed so as not to affect or impair any of the provisions of "the Act respecting Separate Schools," or of the "Act respecting Roman Catholic Separate Schools;" and it shall be optional with the Trustees of each Separate School and of each Roman Catholic Separate School established under the respective statutes in that behalf, to avail themselves of the foregoing provisions of this Act, instead of those specially prescribed in the said respective statutes, for the purpose of ascertaining the supporters of their respective Separate Schools in such Municipality, and the taxes payable by such supporters, and the collection thereof, and in cases where such option is exercised by the Trustees compliance with the special provisions of the respective Separate School Acts shall be unnecessary but the Trustees in order to avail themselves of the foregoing provisions of this Act shall give notice of such intention to the Clerk of the Municipality at least one week before the time prescribed by the Assessment Act of 1869 for preparing the assessment roll."

Provisions per-
missive not to
impair any
provisions of
C. S. U. C. c.
65, or 26
V. c. 5.

To apply also
to cities, towns
and villages.

"4. (e.) The foregoing provisions shall also apply to Cities, Towns and Villages, and to the respective Councils and officers thereof."

6. TEACHERS' SALARIES.

Quarterly pay;
ment of Teach-
ers Salaries

14. Section sixty-two of The Consolidated Public School Act of 1874, is hereby amended by inserting as sub-section one after the word "authority," the following:—"To arrange for the payment of such sums as may be required for teachers' salaries so that the salaries may be paid at least quarterly in each year; and if there are not sufficient funds, to borrow from any banking corporation such sums as may be required in the meantime until the taxes imposed therefor can be collected; and the Council shall regulate by by-law the amount to be so borrowed at a rate of interest not to exceed seven per cent. per annum, and the promissory note to be given under the seal of the corporation, or the County Council may pay such sums as may be necessary for the said purposes out of any surplus moneys of the County, to be refunded out of the rate when collected."

37 V. c. 28,
s. 65 (1),
amended.

2. Sub-section one of section sixty-five of said Act is hereby amended so as to read as follows: "To pay out of the School "assessment of the county into the hands of the Treasurers of "the respective Towns, Villages and Townships within the "County, the proportionate assessment levied in their respective "Municipalities; and for all school purposes the last named "Treasurers shall be considered sub-Treasurers of the County "Treasurer."

37 V. c. 28,
s. 65 (2),
repealed.
Treasurers to
pay orders of
Inspectors.

3. Sub-section two of the same section is hereby repealed.

15. It shall be the duty of the Treasurer of every minor Municipality to pay out of the moneys received by him for school purposes, the lawful orders of the Inspectors from time to time, in favour of any Public School Teacher, assistant or monitor, as directed by such order.

Section 45a
added to
37 V. c. 28.

16. The following new section and sub-sections shall be added after section forty-five of the said Act.

Board of
Trustees in
certain Town-
ships.

45a. In Municipalities composed of more than one Township, but without County organization, there shall be a Board of five Public School Trustees for the Municipality, elected annually on the second Wednesday in January, who among other duties imposed upon Township Boards and Rural Trustees, and applicable to their circumstances, shall, upon the petition of five heads of families, provide adequate school accommodation and a teacher or teachers for the children of the petitioners and others.

Duties.

(2.) Such trustees shall be subject to the same obligations as Public School Trustees generally. (3.)

(3.) Should any Township under the jurisdiction of a Township Board, be unorganized, appeals against its certified assessment roll, made out by a person appointed by the Board, shall be made to the Stipendiary Magistrate or Judge of the District or County, who has jurisdiction in other matters therein.

(4.) In forming Union School Sections between and out of an organized Township Municipality and an unorganized Township or locality within any Territorial or Judicial District, it shall be lawful for such Union School Section to be formed or altered according to the provisions of this Act, except that the Stipendiary Magistrate shall act for the unorganized Township or locality, and the Reeve of the organized Township, for his Township.

County payment.

7. OTHER MATTERS

17. The Consolidated Public School Act of 1874 is also further amended as follows:

1. Section sixty-two is amended by inserting the following clause, as sub-section eight :—

37 V. c. 28,
s. 62 (8),
amended.

“(8.) To provide and levy in each year the following sums :

(a) The sum of one hundred dollars, at least, towards each Public School which may become a County Model School ; and which may be established by the Council in the County or any Electoral District, or in any City or Town separated under any agreement with the School Board of any such City or Town.

To County
Model Schools.

(b) The sum of fifty dollars towards the County Teachers' Institute or Association in the County or in each Inspector's District.”

To Teachers'
Association.

2. Section twenty-six, sub-section seven, is amended by adding thereto the following clause: “So as to accommodate at least two-thirds of the children who have the right to attend the school of the Section, according to the census taken by the Trustees for the next preceding year.

Extent of ac-
commodation.

3. Section one hundred and twenty, is amended, so as to read “third-class” certificates only shall be awarded by the County Board of Examiners, striking out “City Boards,” and by authorizing first and second class Provincial certificates to be granted by the Education Department on the report of the Central Committee of Examiners, and according to the regulations of the Department ; also, that County Boards shall have powers to renew third-class certificates, subject to the regulations of the Education Department.

Third Class
Certificates
to be awarded
by County
Board.

4. Section one hundred and eighty-seven is amended by adding thereto the following clause which shall apply to every Trustee of any School Corporation :—

37 V. c. 28, s.
87, amended.

(a.)

Vacancy in
office of Trust-
tee when
caused.

(a.) If a Trustee of any School Corporation be convicted of any felony or misdemeanour, or shall absent himself from the meetings of the Board for three consecutive months, without being authorized by resolution entered upon its minutes, or who shall cease to be a resident within the School Municipality for which he is a Trustee, such Trustee shall *ipso facto* vacate his seat, and the remaining Trustees shall declare his seat vacant and order a new election.

37 V. c. 28, s.
27, amended.

5. Section twenty-seven is amended by adding thereto the following words:—

Compulsory
attendance.
Excuses.

“Unless from the circumstances of the case the trustees are satisfied that such neglect or violation has not been wilful, or has been caused by extreme poverty, or ill health, or too great a distance from any school.”

37 V. c. 28,
ss. 86 & 158,
amended.

6. Sections eighty-six and one hundred and fifty-eight are amended by adding at the end of each of said sections the following words:—

Compulsory
attendance.
Excuses.

“Unless from the circumstances of the case the Board is satisfied that such neglect or violation has not been wilful, or has been caused by extreme poverty, ill health, or too great a distance from any school.”

III. HIGH SCHOOLS.

37 V. c. 27,
amended.

18. The Act passed in the thirty-seventh year of Her Majesty's reign and chaptered twenty-seven is hereby amended as follows:—

37 V. c. 27, s.
35, amended.
High School
under County
jurisdiction.

1. Section thirty-five is amended by adding thereto these words: “but such High School or Collegiate Institute shall nevertheless be deemed to be one of the High Schools or Collegiate Institutes of the County, and within the municipal jurisdiction of the County Council.”

37 V. c. 27, s.
38, amended.
As to High
School
Districts.

2. Section thirty-eight is hereby repealed, but all High School Districts which existed at the time of the passing of this Act, and arrangements connected therewith shall continue until the County Council thinks fit to discontinue the same, and in the case of a County or Electoral District which at that time constituted a High School District, the same liability in reference to the High School or Collegiate Institute therein shall continue until otherwise determined by the County Council.

37 V. c. 27, s.
39, amended.

3. Section thirty-nine is amended by striking out all the words after the word “section,” and inserting the following:—
“Establish one or more additional High Schools in the County.”

4. Sections forty-three and forty-three (a) are hereby repealed, and the following substituted therefor, but such repeal shall not affect any existing union between parts of the County, City or Town separated: "In case of High Schools situated in a City or Town separated from the jurisdiction of a County Council, it shall be lawful for the County Council and the Council of the City or Town to agree upon the terms and conditions of union under which such High School will be constituted the High School of the County as well as of the Town, and in such case the corporate name and appointment of Trustees shall be governed by the provisions applicable to a High School situate in a Town not withdrawn from the County."

37 V. c. 27, s. 43, amended.
Power to County & City or Towns separated to agree as to High School.

5. Section forty-four is amended so as to read as follows:—"A sum at least equal to the minimum amount payable from time to time by the Government to any High School out of the Legislative Grant, shall be provided by the Municipal Council of every City or Town withdrawn from the jurisdiction of the County for any High School or Collegiate Institute situate in such City or Town, together with such other sums as may be required for the accommodation and support of such School upon the application of the High School Board."

37 V. c. 27, s. 44, amended.

6. Section forty-five is hereby amended by adding after "High School" in the eighth line, these words, "To the amount at least of the Grant received from the Legislative appropriation," and by striking out in the third line the words "one half of," and substituting, "a sum equal to," and by striking out all the words after the words "High School Board," in the tenth line, and substituting the following:—"And in cases where two or more Municipalities, or portions thereof, within the County, have heretofore been formed into and constitute one High School District, or in case where two or more such minor Municipalities, or portions thereof, may hereafter agree to form and constitute themselves into a High School District, then such other sums as may be required for the maintenance and school accommodation of the said High School, shall be provided by the High School District upon the application of the High School Board, and such sums shall be raised in the manner provided in the next following section of this Act, but nothing in this section shall be construed to affect any existing suit, or to prevent the County Council from discontinuing any High School District heretofore formed by it."

37 V. c. 27, s. 45, amended.

7. Section forty-six is hereby amended by striking out the words "out of which the whole or part of such High School District is formed," and by substituting "which may be liable therefor," and by adding to the said section the following:—"and the County Council may constitute a County or Electoral District a separate district for High School purposes, in order that it may contribute to the support of one or more

37 V. c. 27, s. 46, amended.

“more High Schools or Collegiate Institutes therein, as the Council may determine for such purpose, and in such amount separately from any other County or Electoral District under the jurisdiction of such County Council.”

37 V. c. 27, s.
54, amended.

8. Section fifty-four is amended by striking out the words “the equivalent of at least one half of the amount of the Legislative Grant,” and by substituting therefor the words “an amount equal to the grant from the Legislative appropriation.”

Terms and
vacations.

19. The High Schools shall open on the seventh day of January, and close on the Thursday before Easter; they shall reopen on the first Tuesday after Easter, and close on the thirteenth day of July; they shall reopen on the first day of September, and close on the twenty-second day of December; there shall be three vacations for High Schools in the year; the Easter vacation to extend from Good Friday to Easter Monday, inclusive; the Summer vacation shall begin on the fourteenth day of July, and end on the thirty-first day of August, and the Christmas vacation shall begin on the twenty-third day of December, and close on the sixth day of January; and the High School Boards are authorized to dismiss during the period when the intermediate examination is going on in such school, those pupils who are not engaged in the examination.

IV. UNIVERSITY OF TORONTO.

36 V. c. 29, s.
24, amended.
Convocation
only to discuss
terms of
affiliation.

20. The twenty-fourth section of the Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered twenty-nine is hereby amended by striking out the words “deciding upon the recognition,” in the eleventh and twelfth lines thereof, and substituting the word “discussing” in lieu thereof, and striking out the word “of” after the word “propose” in the said twelfth line thereof.

36 V. c. 29, s.
46, amended.

21. The forty-sixth section of the said Act is hereby amended by striking out the words “other than in Medicine or Surgery” in the fifth and sixth lines thereof.

CHAP. 17.

An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures.

[Assented to 2nd March, 1877]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be cited as "*The Agriculture and Arts Act.*" Title of Act.

2. In the construction of this Act, "Commissioner" or "Commissioner of Agriculture" shall mean the "Commissioner of Agriculture and Arts;" "Bureau" and "Bureau of Agriculture" shall mean the "Bureau of Agriculture and Arts;" "Council" or "Council of the Association" shall mean "Council of the Agricultural and Arts Association;" and "District" and "Electoral District" shall mean a District as constituted for the purpose of representation in the Legislative Assembly.

3. The Commissioner of Agriculture may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council. 32 V. c. 47, s. 10.

4. The Bureau of Agriculture and Arts, the Agricultural and Arts Association, the Directors of the Agricultural and Arts Association, the Council of the Agricultural and Arts Association, all Agricultural and Horticultural Societies and Mechanics' Institutes heretofore recognized and existing in Ontario, the Association of Mechanics' Institutes of Ontario, the Fruit Growers' Association of Ontario, the Entomological Society of Ontario, the Dairymen's Association of Ontario, and the Ontario Society of Artists, shall continue, except so far as they may be altered or affected by this Act. 31 V. c. 29, s. 1.

BUREAU OF AGRICULTURE AND ARTS.

5. The Bureau of Agriculture and Arts shall be attached to the Department of the Commissioner of Agriculture, who shall be charged with the direction of the said Bureau, and shall in respect thereof be known as the Commissioner of Agriculture and Arts. 31 V. c. 29, s. 2.

6. It shall be part of the duty of the said Commissioner of Agriculture to institute inquiries and collect useful facts and statistics.

to Agriculture, &c. statistics relating to the agricultural, mechanical and manufacturing interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he finds best adapted to promote improvement within the Province, and to encourage immigration from other countries ; and he shall submit to the Legislature, within thirty days after the opening of each Session thereof, a detailed and succinct report of his proceedings. 31 V. c. 29, s. 4.

Annual
report.

Commissioner
may appoint
persons to in-
spect accounts
of Societies,
&c.

7. The Commissioner of Agriculture may at any time, and from time to time, appoint any person or persons to inspect the books and accounts of any Society or body in the Province receiving Government aid, and being in any way in connection with the Bureau, and may empower any such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to any such inspection ; and all officers of any such Society or body, whenever required so to do, shall submit such books and accounts to such inspection, and truly, to the best of their knowledge, answer all questions put to them in relation thereto, or to the funds of such Society or body. 31 V. c. 29, s. 7.

Museum and
Library.

8. The said Commissioner may, in connection with the Bureau, cause to be established at the School of Agriculture, at Guelph, a museum illustrative of Agriculture, Horticulture, Natural History, Arts and Manufactures, and also a library of books in the same departments of industry ; and the said museum and library shall be free for examination or reference during the usual office hours. 31 V. c. 29, s. 5.

Secretary of
Bureau.

9. The Lieutenant-Governor in Council may appoint a Secretary of the Bureau, who shall be known as the "Secretary of the Bureau of Agriculture and Arts;" and may also appoint such other officers as may be necessary for the proper conduct of the Bureau.

Duties of
Secretary.

10. It shall be the duty of the Secretary to conduct all correspondence connected with the Bureau, under the instructions of the Commissioner ; to examine the affidavits and papers sent in by bodies coming under this Act, and claiming grants thereunder, and to see that the same are in accordance with the provisions thereof ; to certify all claims for grants and all accounts relating to the appropriation for "Agriculture and Arts," and to transmit the same for payment to the Provincial Treasurer ; to prepare the annual estimates for the said appropriation, and to keep an account of the expenditure in respect thereof ; to file all accounts and documents ; and generally to do and perform all such acts and things pertaining to the business of the Bureau, as he may from time to time be directed by the Commissioner.

11. The officers of all Societies, Institutes and Associations coming under this Act, and of all Municipal Councils and Public Institutions, and all public officers in this Province, shall promptly answer official communications from the said Bureau, shall make diligent efforts to supply correct information on all questions submitted to them respectively, and generally shall act as far as practicable upon the recommendations of the Commissioner; and any officer of any such Society, Institute, Association, Council, or Public Institution, refusing or willfully neglecting to answer any question, or to furnish any information relating to the agricultural, mechanical or manufacturing interests, or to the statistics of this Province, whenever required so to do, either by the said Commissioner, or by any person duly authorized by him in that behalf, shall for every such offence incur a penalty of forty dollars, which shall be recoverable by any person suing for the same before any Court of competent jurisdiction, and shall be paid to Her Majesty. 31 V. c. 29, s. 6.

Officers of Societies, &c., to answer all questions and communications.

Penalty of refusing.

THE AGRICULTURAL AND ARTS ASSOCIATION.

12. The members of the Council of the Agricultural and Arts Association, both elected and *ex officio*, the Presidents and Vice-Presidents of all lawfully organized Electoral District Agricultural Societies, and of all Horticultural Societies and Mechanics' Institutes, all life members, and all subscribers of one dollar annually (which shall entitle such subscribers to membership only for the year for which their subscription is paid), shall constitute the Agricultural and Arts Association.

Who shall be members of the Association.

2. The payment of ten dollars shall constitute a life membership of the Association, when given for that special object, and not as a contribution to any local fund; and those persons who have heretofore been made life members under by-laws of the Association shall continue to be life members of the same. 31 V. c. 28, s. 8.

Life members

13. All contracts and all legal proceedings by, with, or concerning the Association, shall be made and had with the said Council in its corporate capacity; and no other contract or legal proceeding shall bind or affect the Association. 31 V. c. 29, s. 12.

Contracts to be made with Council

14. All funds of the Association, except silver paid out during the time of holding or within one week after the close of the annual Provincial Fair or Exhibition, shall be deposited to the credit of the Association, in a chartered bank of the Dominion of Canada, to be selected by the Council of the Association; and all payments made thereout shall be by cheques drawn on such bank by the Treasurer of the Association and countersigned by the Secretary thereof. 32 V. c. 47, s. 2 (2).

Funds of Association to be deposited in a chartered bank.

Liabilities of
Association to
be paid by
31st Dec.

15. All liabilities of the Association shall, except in cases of reasonable dispute regarding the same, and except where payment of such has not been authorized by the Council, be paid on or before the thirty-first day of December of the year in which the same were incurred; and when a payment is made through the post, it shall be by cheque marked "good" by the bankers of the Association. 32 V. c. 47, s. 2 (5).

THE DIRECTORS OF THE ASSOCIATION.

Directors of
the Associa-
tion.

16. The members of the Council, both elected and *ex officio*, the ex-Presidents of the Agricultural and Arts Association, and the Presidents and Vice-Presidents of the Electoral District Societies, Mechanics' Institutes, and of all Horticultural Societies (or any two members whom an Electoral District Society, Mechanics' Institute, or Horticultural Society shall have appointed to act instead of its President and Vice-President), shall be the Directors of the Agricultural and Arts Association. 31 V. c. 29, s. 9.

Meeting to be
held during
Exhibition for
election of
Auditors.

17. The Directors shall hold a meeting during the week of the annual Exhibition, at the place where such Exhibition is held, and shall at such meeting elect two Auditors, whose duty it shall be to examine the accounts of all moneys received and expended by the Treasurer of the Association, and to examine into the assets and liabilities of the Association, and on or before the first day of February ensuing to report as to said accounts, receipts, expenditure, assets and liabilities to the Secretary of the Association, who shall, on or before the first day of June ensuing, cause such report to be printed, and a copy thereof to be sent to the Commissioner of Agriculture, to the President of the Association, to each member of the Council, to the Presidents, Vice-Presidents, Secretaries, and Treasurers of all Electoral District and Horticultural Societies and Mechanics' Institutes, and of the Fruit Growers' Association of Ontario, the Entomological Society of Ontario, the Dairymen's Associations of Ontario, the Ontario Society of Artists, and to the Auditors who made such report; the Directors shall also appoint the place for holding the next meeting and Exhibition of the Association, and may make rules and regulations for the management of such Exhibition.

Report to be
sent to Com-
missioner, &c;

THE COUNCIL OF THE ASSOCIATION.

Council of the
Association.

18. The Council of the Agricultural and Arts Association shall be composed of thirteen members, elected as hereinafter provided; and the Commissioner of Agriculture, the Minister of Education, all Professors of Agriculture in chartered Colleges and Universities, the Presidents (or in their absence the Vice-Presidents) of the Fruit Growers' Association, the Entomological Society, the Dairymen's Associations, and the Ontario Society of Artists, and the President, and Vice-President of the Association

ciation of Mechanics' Institutes of Ontario, and such other person as the said Association may appoint, or, in the absence of such President, or Vice-President, then such persons as the said Association may appoint in place of the said officers, or either of them shall be members, *ex officio*, of such Council of the Association. 31 V. c. 29, ss. 3, 10; 34 V. c. 23, s. 19; 36 V. c. 36, s. 2; 39 V. c. 16, s. 1.

19. Ontario shall be divided into thirteen Agricultural Divisions, designated by numbers, as in Schedule A annexed to this Act, each comprising the Electoral Districts designated in said Schedule. 31 V. c. 29, s. 13.

Agricultural Divisions.

2. The Counties named in said Schedule A shall mean all the Electoral Districts embraced within such Counties. 31 V. c. 29, s. 54.

20. The Electoral District Agricultural Societies in each Division shall, at their annual meetings provided for by section forty of this Act, each elect a delegate by a majority of the votes of the members of the Society present at such meeting; and the Secretary of each Society shall, within six days after the election, forward to the Commissioner of Agriculture the name of the delegate so elected by the Society.

District Societies to elect a delegate.

2. The Commissioner of Agriculture shall, as soon as practicable after being notified by the Secretaries as aforesaid, appoint a time and place at which the said delegates shall meet and elect a person to represent the Division in the Council of the Association, and name the Society having the greatest number of members for the preceding year.

Secretary to supply Commissioner with name of delegate.

Official notice of election.

3. In case of an equality of votes for two or more persons the delegate representing the Electoral District Society having the greatest number of members for the preceding year shall have a casting vote.

Where votes equal.

4. Vacancies through death, resignation, or otherwise, shall be filled up by the Commissioner of Agriculture. 31 V. c. 29, s. 14.

Vacancies.

21. The four members representing Divisions numbers nine, ten, eleven and twelve, shall retire, and four other persons shall be elected at the annual meetings in said Divisions, and one other person shall be elected in Division thirteen, in the year one thousand eight hundred and seventy-eight; and the four members representing Divisions numbers one, two, three, and four, shall retire, and four other persons shall be elected at the annual meetings in the said Divisions, in the year one thousand eight hundred and seventy-nine; and the four members representing Divisions numbers five, six, seven, and eight shall retire, and four other persons shall be elected at the annual meetings in said Divisions, in the year one thousand eight hundred and eighty; and thereafter, in the order in which such members have been elected for the respective Divisions, four (or five, as the case may be), members of the Council shall retire annually, each seat being vacated every third year; but retiring members

Four members of Board to retire annually

may

may continue to exercise all their functions until their successors have been duly elected: The retiring members of the Council shall be eligible for re-election, and the Secretary of the Association shall send a list of the names of the retiring members to the Secretary of each Electoral District Society, on or before the first day of December in each year. 31 V. c. 29, s. 16; 35 V. c. 32, s. 2.

Members to
act gratui-
tously.

22. Subject to the provisions of section twenty-five the said Council shall not pay or allow any sum to any member thereof for acting as such member, except the amount of his actual necessary expenses in attending the regular meetings of the Council, and of the committees thereof. 31 V. c. 29, s. 17.

POWERS AND DUTIES OF THE COUNCIL.

Council to be a
body cor-
porate.

23. The said Council shall continue to be a body corporate, and may acquire and hold land and personal property for the purposes of the Association, and may sell mortgage, lease, or otherwise dispose of the same; and all property, real or personal, heretofore vested in or held by the Agricultural and Arts Association, shall continue to be vested in the said Association, and to be under the control of the Council thereof. 31 V. c. 29, s. 22.

Powers of the
Council

24. The said Council shall have full power to act for and on behalf of the Association between the annual meetings of the Directors thereof; and all grants of money, subscriptions or other funds, made or appropriated to or for the use of the Association (except money collected by or granted to any local committee for the local expenses of an Exhibition), shall be received by and expended under the direction of such Council. 31 V. c. 29, s. 11.

President, etc.,
to be elected.

25. The first meeting of the Council of the Association, after the election of members in each and every year, shall be called by the Secretary of the Association some time during the month of March; and at such meeting the members present shall elect from among the elected members a President and Vice-President, and shall also elect a Treasurer from among themselves or otherwise; but if not elected from among themselves, such Treasurer shall be *ex officio* a member of the Council; and the said Treasurer shall furnish such security as the Council may deem necessary, and he may be paid a reasonable salary for his services. 31 V. c. 29, s. 18.

Treasurer.

Secretary.

2. The Council may appoint a Secretary, and may pay him a reasonable salary for his services; and the Council shall also pay the Auditors appointed, as provided for in section seventeen, a reasonable remuneration for their services. 31 V. c. 29, s. 17.

Secretary and
Treasurer to
continue.

3. The present Secretary and the present Treasurer shall continue to be the Secretary, and the Treasurer of the Council until otherwise provided by the Council. 4.

4. The President, Vice-President, Secretary, and Treasurer of the Council, shall, *ex officio*, be respectively President, Vice-President, Secretary, and Treasurer of the Association.

5. In the absence of the President or Vice-President from any meeting, the Council may appoint a chairman *pro tempore*. Chairman
pro tem.

6. Seven members of the Council shall be a quorum. Quorum.

7. The regular meetings of the Council shall be held pursuant to adjournment, or be called by the Secretary at the instance of the President, or in his absence of the Vice-President, or upon the written request of any three members; and at least seven days' notice of such meetings shall be given to each member. 31 V. c. 29, s. 18. Regular meet-
ings of the
Council.

26. It shall be the duty of the Council :

1. To hold a Fair or Exhibition annually, open to competitors from any part of the Dominion of Canada, or from other countries, as the Council may see fit; and also to appoint a local committee at the place where such Exhibition is appointed to be held, and prescribe the powers and duties of the said committee. Duties of the
Council.
Annual Exhi-
bition.

2. To take measures to obtain from other countries animals of new or improved breeds, new varieties of grain, seeds, vegetables or other agricultural productions, new or improved implements of husbandry, or new machinery which may appear adapted to facilitate agricultural operations; and to test the quality, value and usefulness of such animals, grain, seeds, vegetables, or other products, implements and machinery; Importation
of improved
breeds of
animals, &c.

3. And generally, to adopt every means in their power to promote improvement in the Agriculture and Arts of the Province. 31 V. c. 29, s. 19 (1-4.) Improvement
of Agricul-
ture.

27. The Council may establish a Veterinary College for the instruction of pupils, by competent and approved teachers, in the science and practice of the veterinary art, and may pass by-laws, and adopt measures for the examination of such pupils in Anatomy, Physiology, Materia Medica, Therapeutics, Chemistry, and as to the breeding of domesticated animals; and, upon proof, to the satisfaction of the Council, that such pupils possess the requisite qualifications, may grant diplomas certifying that they are competent to practice as Veterinary Surgeons. 34 V. c. 23, s. 3 (5.) Veterinary
College.

2. Veterinary practitioners holding such diplomas shall be entitled to professional fees in attending any Court of Law as witnesses in such cases as relate to the profession; and no person who does not possess a diploma or proper certificate from some duly authorized Veterinary College, within or without this Province, shall append to his name the term Veterinary Surgeon, or any abbreviation thereof. 34 V. c. 23, s. 3 (6.) Veterinary
practitioners.

3. Any person who wilfully and falsely pretends to be, or who wilfully and falsely takes or uses any name, title, addition, abbreviation or description implying, or calculated to lead people to infer that he is, or is recognized by law as, a Veterinary surgeon, within the meaning of the foregoing sub- Penalty on
wrongfully
assuming title
of Veterinary
Surgeon.

sections of this section, or that he possesses a diploma or proper certificate from some duly authorized Veterinary College within or without the Province, shall, upon summary conviction before any Justice of the Peace, pay a penalty not exceeding one hundred dollars, and not less than twenty-five dollars. 36 V. c. 36, s. 3 (7.)

Prosecutions.

4. All prosecutions under this section may be brought and heard before and by any Justice of the Peace having jurisdiction in the locality where the offence is alleged to have been committed, and such Justice shall have power to award payment of costs in addition to the penalty; and, in case the penalty and costs awarded by him be not upon conviction forthwith paid, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding three months, unless the penalty and costs be sooner paid. 36 V. c. 36, s. 3 (8.)

Application of penalties.

5. All penalties recovered under this section shall be paid to the convicting Justice, and be paid by him to the Treasurer of the Agricultural and Arts Association, and shall thereupon form part of the funds of the said Association, and be accounted for as such. 36 V. c. 36, s. 3 (9.)

Security to be given on appeals.

6. Any person convicted under this section, who shall give notice of appeal against the decision of the convicting Justice, shall, before being released from custody, give to the said Justice satisfactory security for the amount of the penalty and costs of conviction and appeal. 36 V. c. 36, s. 3 (10.)

Any one may prosecute within one year.

7. The Council or any person may be prosecutor or complainant under this section, and every prosecution thereunder shall be commenced within one year from the date of the alleged offence. 36 V. c. 36, s. 3 (11.)

Records of their transactions, essays, &c.

28. The Council shall keep a record of their transactions, and may from time to time publish, in such manner and form as to secure the widest circulation among the Agricultural Societies, and among farmers generally, all such reports, essays, lectures, and other useful information as the Council may procure and adjudge suitable for publication. 31 V. c. 29, s. 20.

Copy of reports, &c., to be sent to Bureau.

29. The Council shall transmit to the Bureau, on or before the first day of April in each year, a report of their proceedings during the preceding calendar year, and shall also when requested by the Commissioner of Agriculture, send a copy of their resolutions, by-laws, or other formal proceedings. 31 V. c. 29, s. 21; 34 V. c. 23, s. 4.

Expenditure of money.

30. No resolution, by-law, or other proceeding of the Council involving an expenditure of money to an amount exceeding forty dollars, shall be passed or taken, except with the assent of a majority of the members thereof, or upon the recommendation of an Executive Committee of not less than three members, who shall be appointed in accordance with a by-law of the Association. 31 V. c. 29, s. 21 (1).

31. A corrected list of the names of all persons to whom a prize has been awarded at the annual Provincial Fair or Exhibition shall be prepared and printed by the Secretary of the Association, and a copy thereof shall, on or before the first day of November next after the holding of each such Provincial Fair or Exhibition, be mailed to the address of every person to whom a prize has been awarded. **32 V. c. 47, s. 2 (3).**

Prize list to be mailed to prizeholders on or before the 1st of Nov.

32. All persons to whom a prize is awarded shall apply to the Secretary of the Association for payment thereof, on or before the thirtieth day of November of the year in which such prize is awarded, or shall forfeit such prize. **32 V. c. 47, s. 2 (4).**

Prizes to be applied for on or before 30th Nov.

33. Within thirty days after the annual meeting of the Association, the Council shall cause to be presented to the Commissioner of Agriculture a report of the Exhibition just closed, containing such information as the Council may have been enabled to obtain of the progress made in the respective departments of the Exhibition, as compared with the Exhibitions of previous years. **34 V. c. 23, s. 5.**

Council to report as to Exhibition.

34. The Corporation of any City or Town may enter into any agreement with the Council, binding such Corporation to erect the buildings necessary for holding the annual Exhibition of the Association; and in case the Council has, in consideration of any such Corporation undertaking to enter into such an agreement, selected such Corporation as the one within the territorial limits of which any such Exhibition shall be held, then, in the event of such Corporation failing to enter into any such binding agreement as aforesaid, on or before the first day of May in the year for holding such Exhibition, the Council may change the place for holding such Exhibition for that year. **36 V. c. 36, s. 5.**

Agreements between Corporations of Cities and Towns, and the Council, as to erecting Exhibition buildings.

ELECTORAL DISTRICT AGRICULTURAL SOCIETIES.

35. An Agricultural Society may be organized in each of the Electoral Districts of Ontario (as from time to time constituted for the purpose of representation in the Legislative Assembly) in which there is not one already organized, whenever eighty persons have become members thereof, by signing a declaration in the form of Schedule B to this Act annexed, and paying each not less than one dollar to the funds of the Society for that year; and all persons thereafter paying each the sum of one dollar (or such other sum, not being more than two dollars, as the Society may by by-law fix) annually to the funds of the Society shall be members thereof; and a true copy of the said declaration shall, within one month after the money has been so paid, be transmitted to the Commissioner of Agriculture. **31 V. c. 29, s. 34.**

Society may be organized in each Electoral District.

Toronto.

2. The two Electoral Districts of the City of Toronto shall constitute only one District for the purposes of this Act. 31 V. c. 29, s. 34 and 53.

First meeting,
how called.

36. The first meeting for the formation of an Electoral District Agricultural Society under this Act shall be called by the representative of such Electoral District in the Legislative Assembly, for the third Wednesday of January in any year, at which meeting the election of officers, and the election of a delegate, as provided by section twenty, if one is to be elected for that year, shall take place; and the Society so organized shall be deemed the Electoral District Society, and shall be entitled to receive the Government grant hereinafter provided; and all subsequent annual meetings shall be called and held as provided in section forty of this Act. 31 V. c. 29, s. 36.

District
Societies to be
bodies
corporate.

37. The several Electoral District Societies organized at the time of the passing of this Act, or which may hereafter be organized, shall be bodies corporate, with power to acquire and hold land as a site for Fairs and Exhibitions, or for a School Farm, and, subject to the approval of a meeting of the Society, called for the purpose, (of which at least one week's previous notice shall have been given by advertisement in a newspaper published in the Electoral District or by placard, at which meeting only members of at least two years' standing shall be allowed to vote,) to sell, mortgage, lease, or otherwise dispose of same, or any other property held by such Societies. 31 V. c. 29, s. 51; 36 V. c. 36, s. 8.

Objects of
Societies.

38. The object of the said Societies, and of the Township Societies in connection therewith, shall be to encourage improvement in Agriculture, Horticulture, Arts and Manufactures:

Discussions,
lectures, &c.

1. By holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved husbandry or other industrial processes;

Periodicals.

2. By promoting the circulation of agricultural, horticultural and mechanical periodicals;

Importing
seeds, &c.

3. By importing and otherwise procuring seeds, plants and animals of new and valuable kinds;

Prizes for
essays.

4. By offering prizes for essays on questions of scientific inquiry relating to Agriculture, Horticulture, Arts and Manufactures;

Premiums.

5. And by awarding premiums for excellence in the raising or introduction of stock, the invention or improvement of agricultural or horticultural implements and machinery, the production of grain and of all kinds of vegetables, plants, flowers and fruits, and generally for excellence in any agricultural or horticultural production or operation, article of manufacture or work of art. 31 V. c. 29, s. 35 (1-5).

Application
of funds.

39. The funds of the Societies, howsoever derived, shall not be expended for any object inconsistent with those above mentioned. 31 V. c. 29, s. 35 (6).

40. The annual meeting of every Electoral District Society shall be held on the third Wednesday of January in each year, in a County, at one o'clock in the afternoon, and in a City, at seven o'clock in the afternoon, of which meeting at least one week's previous notice shall have been given, by advertisement in a newspaper published in the Electoral District and by placard. 34 V. c. 23, s. 10; 35 V. c. 32, s. 3. Annual meeting.

41. The Society shall at such meeting elect a President, two Vice-Presidents, and not more than nine other Directors, and the officers so elected shall elect, from amongst themselves or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer,) and the Society shall also elect two Auditors. 31 V. c. 29, s. 37. Election of officers.

42. The Secretary of each Electoral District Society shall, with the return of the delegate elected, as provided for in section twenty of this Act, also send within eight days after each annual meeting, a full list of the officers of the Society, with their respective post-office addresses. 31 V. c. 29, s. 37 (1). Return of officers.

43. The meetings of the officers shall be held pursuant to adjournment, or be called by written notice given by authority of the President, or in his absence of the senior Vice-President, at least one week before the day appointed; and at any meeting five shall be a quorum. 31 V. c. 29, s. 38. Meetings, etc.

44. The officers of every Electoral District Society at any meeting called by written notice, as hereinbefore mentioned (in which notice the object of the meeting shall be specified) may make, alter and repeal by-laws and rules for the regulation of such Society and the carrying out of its objects. 31 V. c. 29, s. 35. Officers may make by-laws etc.

45. The said officers shall, in addition to the ordinary duties of management, cause to be prepared, and shall present at the annual meeting, a report of their proceedings during the year, in which shall be stated the names of all the members of the Society, the amount paid by each being set opposite to his name, the amount awarded in prizes to each kind of live stock, agricultural products, implements, domestic products or other objects respectively, together with such remarks and suggestions upon the Agriculture and Horticulture of the Electoral District, and the Arts and Manufactures therein, as the officers are enabled to offer. 31 V. c. 29, s. 39. Annual report.

46. There shall also be presented at the said annual meeting a detailed statement of the receipts and disbursements of the Society during the year, and also an analyzed statement, in which shall be shown the expenses of management under separate and distinct heads. 31 V. c. 29, s. 39 (1); 32 V. c. 47 s. 5. Annual accounts.

Entry of
report.

47. The said report and statement, if approved of by the meeting, shall be entered in the Society's Journal, to be kept for such purposes, and signed by the President or Vice-President, as being a correct entry; and a true copy of such report and an abstract of the analyzed statement, certified by the President or Secretary for the time being, shall be sent to the Bureau on or before the first day of March next following. 31 V. c. 29, s. 39 (2); 32 V. c. 47, s. 5.

Copy to
Bureau.

Electoral
District
Society to
receive reports
from Town-
ships.

48. The several Electoral District Societies shall receive the reports of the Township Societies, and of the Horticultural Societies organized under section sixty-one of this Act, within their respective Districts; and shall transmit them to the Bureau, with such remarks thereon as will enable the Commissioner of Agriculture to obtain a correct knowledge of the progress of agricultural improvement in the Electoral District. 31 V. c. 29, s. 40.

Division of
Electoral Dis-
tricts.

49. When any Electoral District is divided into two or more Electoral Districts, it shall be necessary to organize a new Agricultural Society for each; and any property that may have been held by the Agricultural Society representing the Electoral District prior to such division, or the value thereof, shall be equitably apportioned or divided by three arbitrators or a majority of them, one to be appointed by the officers of the Society in each new Electoral District, and another arbitrator to be chosen by the arbitrators so appointed, or, in the event of the said arbitrators failing to choose such third arbitrator within ten days after being appointed, then the Senior County Judge residing in the District shall appoint such third arbitrator; and in cases where new Electoral Districts have been formed for the purpose of representation in the Legislative Assembly, by Townships taken from two or more Electoral Districts, then any property, real or personal, which originally belonged to the Electoral District Societies of such Electoral Districts, before the said Townships were taken therefrom, shall in like manner be equitably apportioned between such new Electoral District Society and each of the original Societies of the Electoral Districts out of which such new District has been formed. 31 V. c. 29, s. 53.

New Electoral
Districts.

Act to apply
to Electoral
Districts to be
hereafter
formed.

50. The provisions of the sections of this Act applying to Agricultural Societies, with regard to grants and Electoral Districts, conditions of grants, &c., &c., shall extend to any new Electoral Districts to be hereafter formed in Ontario. 31 V. c. 29, s. 54.

TOWNSHIP SOCIETIES.

When and
how Town-
ship Societies
organized.

51. A Township Agricultural Society may be organized in each Township in which there is not one already organized, or in any two or more such Townships together, whenever a sufficient number of persons, not less than fifty when the number of

of rate-payers on the last revised assessment roll is two hundred or over, and not less than thirty when the number of rate-payers is less than two hundred, become members by signing a declaration in the form of Schedule B to this Act annexed, and paying each not less than one dollar to the funds of the Society for that year; and all persons thereafter paying each the sum of one dollar (or such other sum, not being more than two dollars, as the Society may by by-law fix) annually to the funds of the Society shall be members thereof; and a true Declaration.
copy of the said declaration, certified by the President or Vice-President of such Society, shall be forthwith transmitted to the Secretary of the Society of the Electoral District within which such Township is situate. 31 V. c. 29, s. 42.

52. The first meeting for the formation of a Township Society shall be called by the Reeve of the Township, or in the case of a Union of Townships, by the Reeves of all the uniting Townships; at which meeting the election of the officers mentioned in section fifty-five shall take place; and the Society so organized shall be deemed the Township or Union of Townships Society, and be entitled to share in the Government grant; and all subsequent annual meetings shall be held as provided in section fifty-five. First meeting.

53. Each Township Society shall be legally known and designated by the name of the Township or Union of Townships in which it is situated, and there shall not be more than one such Society in any Township. 31 V. c. 29, s. 42 (1). Name of Society.

2. A Town or Village not in itself a separate Electoral District shall, for the purposes of this Act, be and be deemed to be a part of the Township in which such Town or Village is situate. 34 V. c. 23, s. 11. Towns and Villages.

54. Any Township Society lawfully organized as aforesaid, may at any regular meeting adopt a resolution, that the said Society is desirous of being incorporated; and upon filing with the Secretary of the Bureau of Agriculture and Arts the said resolution, and a certificate of the Secretary of the Electoral District Society with which such Township Society is connected, that it is the recognized Society of the Township which it professes to represent, such Society shall thenceforth be and become a body corporate, and shall have like powers with Electoral District Societies. 31 V. c. 29, s. 51; 32 V. c. 47, s. 9. Incorporation of Township Societies.

55. The said Societies shall hold their annual meetings on the second Thursday in January of each year, and shall elect a President, a Vice-President, and not fewer than three, nor more than nine other Directors, and the officers so elected shall elect, from amongst themselves or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer); and the said Societies shall also elect two Auditors. 31 V. c. 29, s. 43. Annual meeting. Election of officers.

Annual report. **56.** The said officers shall prepare and present at the annual meeting of the Society a report of their proceedings during the year, in the same manner as hereinbefore directed for Electoral District Societies, and containing information under the same heads, and shall transmit a true copy thereof, certified by the President or Vice-President, to the Secretary of the Electoral District Society with which such Society is connected, in time for the annual meeting thereof in January. 31 V. c. 29, s. 44.

Where Townships divided. **57.** In cases where part of a Township is in one Electoral District and part in another, the Township Society shall transmit a copy of its annual report to the Secretary of each such Electoral District Society, as provided for in the preceding section; and such Township Society shall also send to the respective Treasurers of the said Electoral District Societies a list of the subscriptions of its members, attested as in other cases provided for by section sixty-eight of this Act; and, based on such returns, shall receive from each of such Electoral District Societies its share of all legislative and other public grants, but in the proportion of fifty per cent. only of such returns, as compared with the returns of other Townships in the respective Electoral Districts. 31 V. c. 29, s. 42 (2).

2. And in the case of a Union of Townships to form one Society, and one Township is in one Electoral District and the other in another Electoral District, then such Union Society shall report to, and do and be dealt with in all respects in the same manner as is herein provided for, in the case of a Township partly situated in one and partly in another Electoral District.

Dissolution of union Township Societies. **58.** Where two or more Townships have united to form a Township Society, a majority of such of the members of such Society as reside in any one of the Townships comprising such Union, may, by writing, signed by such majority and addressed to the officers of such united Society, express their desire to separate, and may thereupon organize a new Society for such Township in the manner provided by sections fifty-one and fifty-two; and the former united Society shall thereupon become dissolved and cease to exist; and the assets of such Union Society shall be divided in manner provided by section forty-nine in regard to the assets of separating Electoral District Societies. 32 V. c. 47, s. 6.

How assets divided.

Power to sell lands. **59.** Any Township Society holding land or buildings for the purpose of Agricultural Fairs or Exhibitions, may, subject to the approval of a meeting of the Society called for the purpose, at which meeting only members of at least two years' standing shall be allowed to vote, sell, mortgage, lease, or otherwise dispose of the same. 34 V. c. 23, s. 19 (2).

60. Any Township Society, and Town or Village Municipality, that may have, prior to the fourth day of March, one thousand eight hundred and sixty-eight, jointly purchased and held any lands or buildings for the purpose of Agricultural Fairs or Exhibitions, may continue jointly to hold such lands or buildings, or may sell, mortgage, lease or otherwise dispose of the same. 34 V. c. 23, s. 19 (1) 36 V. c. 36, s. 8.

Powers as to
lands.

HORTICULTURAL SOCIETIES.

61. Any number of persons not less than fifty, in any City, Town, or Village, not being in itself constituted an Electoral District, and whether such Town or City is or is not separated from the County for municipal or other purposes, may organize and form themselves into a Horticultural Society, by signing a declaration in the form of Schedule B, to this Act annexed (but with the necessary alterations as to the name of the Society), and paying each not less than one dollar to the funds of the Society for that year; and all persons thereafter paying each the sum of one dollar (or such other sum, not being more than two dollars, as the Society may by by-law fix) annually to the funds of the Society, shall be members thereof; and such Society shall, except where it is otherwise expressly provided by this Act, have all the rights and privileges of, and be subject to the same obligations as, Township Agricultural Societies, as to reporting, and as to participating in the grants, to the Electoral District Societies of the Electoral Districts in which they may respectively be situated. 36 V. c. 37, s. 1.

Formation of
Horticultural
Societies in
Cities, Towns
and incorpor-
ated Villages.

62. Such declaration shall be in duplicate, and one part thereof shall be written and signed on the first page or pages of a book to be kept by the Society, for recording the minutes of its proceedings during the first year of its existence, and the other part thereof shall be written and signed on a sheet of paper or parchment, and shall forthwith be sent by post to the Commissioner of Agriculture, who shall, as soon as may be after the receipt thereof, cause a notice of the formation of such Society to be inserted in the *Ontario Gazette*. 31 V. c. 29, s. 27.

Copy of declar-
ation to be
sent to the
Commissioner.

Official notice
of formation.

63. Upon the insertion in the *Ontario Gazette* of the notice of the formation of any such Society, it shall become a corporation for the objects and purposes hereinafter mentioned, by the name applied to it in such notice, which shall be the same as that in the declaration transmitted by such Society, and may acquire and hold, lease, mortgage and alienate property real and personal, but only for the purposes of such Society. 31 V. c. 29, s. 28.

Society to be a
Corporation.

64. Every Horticultural Society incorporated under this or any former Act, may make by-laws and rules, not being contrary to the laws of this Province, or to this Act, prescribing the

Powers to
make by-laws.

the mode of admission of new members and election of officers, and otherwise regulating the administration of its affairs and property; provided always that no such Society shall join with any Agricultural Society except the recognized Society of the Township or Electoral District within which such Horticultural Society is situate. 31 V. c. 29, s. 29.

Annual meeting.

Election of officers.

65. Every such Society shall hold its annual meeting on the second Thursday in January in each year, besides meetings at such other times as may be prescribed or provided for by its by-laws; and at such annual meeting, shall elect a President, a Vice-President, and, not fewer than three nor more than nine other Directors, and the officers so elected shall elect, from amongst themselves or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer), and the Society shall also elect two Auditors. 31 V. c. 29, s. 30.

Annual report.

66. The said officers shall prepare and present to the annual meeting of the Society, a report of their proceedings during the year, in the same manner as herein directed for Electoral District Agricultural Societies, and containing information under the same heads, save and except those which relate to Agriculture, the object and purpose of Horticultural Societies being the same as those of Agricultural, as hereinbefore mentioned, but with reference to Horticulture only; and the Secretary of the said Society shall transmit a true copy thereof to the Secretary of the Electoral District Society with which such Society is connected, properly certified, in time for the annual meeting thereof in January. 31 V. c. 29, s. 31.

GRANTS.

Grants to District Societies, and conditions thereof.

67. An Electoral District Society, so long as the number of its *bona fide* members is not less than eighty, having previously forwarded to the Commissioner of Agriculture a copy of its report and statements for the year then last past, as required by this Act, and transmitting to the Commissioner of Agriculture, on or before the first day of September in each year, an affidavit, (which may be in the form of Schedule C to this Act annexed, and may be sworn to before any Justice of the Peace), stating the amount subscribed for that year, and paid to the Treasurer of the Electoral District Society by the members thereof, together with the amounts returned to the said Treasurer of the Electoral District Society by the several Horticultural and Township Agricultural Societies of the said Electoral District, as provided in section sixty-eight of this Act, shall be entitled (subject to the limitations hereinafter mentioned), to receive a sum, to be paid out of any unappropriated moneys in the hands of the Treasurer of the Province, equal to three times the amount certified by the said affidavit of the Treasurer of such Electoral District Society.

Proviso.

2. But no grant shall be made unless the amount so certified by the affidavit of the said Treasurer be one hundred and thirty dollars or upwards.

3. The City of Toronto shall not receive more than five hundred and fifty dollars in any year; and the following Electoral Districts, viz:—The City of Kingston, the City of Hamilton, the City of London, and the City of Ottawa and the Electoral District of Cornwall, shall not receive more than three hundred and fifty dollars in any year. 31 V. c. 29, s. 47; 34 V., c. 23, s. 15.

4. And the whole amount to any Electoral District Society shall not exceed seven hundred dollars in any year. 31 V., c. 29, s. 46, 47; 34 V. c. 23, s. 14. Grant not to exceed \$700.

68. Every Township or Horticultural Society coming within the provisions of this Act, and sending a report of its proceedings to the Electoral District Society, as hereinbefore required, shall be entitled to a share of the grant to the Electoral District Society, in proportion to the amount subscribed and paid by the members of the Township or Horticultural Society; and a list thereof, stating the amount paid by each member, shall be sent to the Treasurer of the Electoral District Society, attested by an affidavit made by the Treasurer of such Township or Horticultural Society, in like manner as provided in the case of the Treasurer of Electoral District Societies, in section sixty-seven of this Act (which affidavit may be in the form of Schedule D, to this Act annexed), on or before the first day of August in each year; and the Treasurer of the Electoral District Society shall pay over to such Township or Horticultural Society its share of the public grant, which shall be in proportion to the amount subscribed by other Township and Horticultural Societies of the Electoral District, as soon as the said grant is received by the Electoral District Society. 31 V. c. 29, s. 48; 34 V. c. 23, s. 16. Allowance to Township Societies from District grant, and conditions thereof.

Affidavit of Township Treasurer.

69. Three-fifths, and no more, of the sum so received by any Electoral District Society, shall be subject to division among Township and Horticultural Societies; Provided that the declaration mentioned in sections fifty-one and sixty-one of this Act, shall be deemed a sufficient report in the first year in which any Township or Horticultural Society has been organized; and that no Township or Horticultural Society shall thus receive more than three times the amount so deposited by it as aforesaid, nor more than one-fifth of the entire grant to the Electoral District Society. 31 V. c. 29, s. 48, (1). Only three-fifths to be divided.

70. Nothing in this Act contained shall be construed as admitting any member of a Township Society, in virtue of his subscription thereto, and without further subscription to the Electoral District Society, to any of the privileges of a member of such Electoral District Society, except when the Electoral District Exhibition shall be held within the limits of a Township, as mentioned in section seventy-three of this Act. 31 V. c. 29, s. 48, (2). Proviso.

EXHIBITIONS.

Where Exhibitions of District Society held.

71. The Exhibition of the Electoral District Society shall be held wherever the majority of the officers, or of a quorum thereof, think fit, giving due and public notice thereof, within the limits of the Electoral District, or of any adjoining Electoral District or Township with the Society of which they may unite their funds as hereinafter mentioned. 31 V. c. 29, s. 45.

2. Whenever the officers of any Electoral District or Township Society have by by-law or resolution fixed upon a place or places for holding the Exhibition or Exhibitions of such Society for any year or years, then the place or places for holding such Exhibition or Exhibitions shall not be changed except by the vote of a majority of the members of such Society of at least two years standing, who may be present at a special meeting called by the officers of such Society for the purpose of considering the proposed change; of which meeting at least two weeks previous notice shall have been given by advertisement in a newspaper published in the Electoral District, and by placard.

3. Such meeting shall be at the hour of nine o'clock in the forenoon; and if a poll be demanded, the same shall be opened at one o'clock in the afternoon and closed at six o'clock in the afternoon, after which time no votes shall be taken; and the presiding officer shall thereupon declare the result of the poll.

Union of District and Township Societies.

72. Any two or more Electoral District Societies, or an Electoral District Society and any Township or Horticultural Society or Societies, or any two or more Township or Horticultural Societies, or the Society of a City Electoral District and any Township or Horticultural Society or Societies adjoining such City Electoral District, may, by agreement between the officers, or a majority of the officers, of each such Society, unite their funds, or any portion thereof, for the erection of suitable buildings in which to exhibit articles of produce or manufacture, or works of art, and for annual or extra Exhibitions, or for ploughing matches, or for any other purpose likely to promote the welfare of any one or more Electoral Districts or Townships, in Agriculture, Horticulture, Arts and Manufactures, and may acquire by purchase or lease, and hold, sufficient land for this purpose from time to time, and may, subject to the approval of a meeting of the Society, called for the purpose, at which meeting only members of at least two years' standing shall be allowed to vote, sell, mortgage, lease or otherwise dispose of the same. 31 V. c. 29, s. 45 (1); 34 V. c. 23, s. 12.

Township Societies' Exhibition.

73. The Exhibitions of any Township Agricultural Society (if not united with any other Society) shall be held at such place as shall afford sufficient accommodation for such Exhibitions; but no separate Township Agricultural Exhibition shall be held within five miles of the place at which the Electoral

Electoral District Exhibition is held for any year in the same Township; but the Township Agricultural Society may unite with the Electoral District Society, and may merge their funds with those of the Electoral District Society for that year, and, if so merged, the members of such Township Society shall be entitled to all the privileges of members of the Electoral District Society at the Exhibition, and the President, Vice-President and Directors of such Township Society shall be co-Directors with the Directors of the Electoral District Society, for the conducting and management of such Exhibitions, save and except as to the place at which such Exhibitions shall be held.

2. The provisions of this section shall not extend to Horticultural Societies organized under section sixty-one. 34 V. c. 23, s. 13.

THE ASSOCIATION OF MECHANICS' INSTITUTES.

74. The Association heretofore incorporated and known as the "Association of Mechanics' Institutes of Ontario," shall continue to be a body corporate, and may make by-laws for the admission of Associate Institutes, and for any purposes consistent with the objects of Mechanics' Institutes, and not contrary to the provisions of this Act or the general laws of the Province. 31 V. c. 29, s. 24.

Association of
Mechanics'
Institutes.

75. Such Association shall hold its annual meeting at the place and during the same time as the Agricultural and Arts Association is being held, in each and every year; and a report of the proceedings of the Association shall be made to the Commissioner of Agriculture within fourteen days after the holding of such annual meeting. 31 V. c. 29, s. 24 (1).

Annual
meeting.

76. Each Associate Institute shall be represented at the annual meeting by its President and Secretary, or by any two members that such Institute may appoint in place of its President and Secretary. 31 V. c. 29, s. 24 (2).

Represent-
ation.

MECHANICS' INSTITUTES.

77. Any Mechanics' Institute incorporated under chapter seventy-two of the Consolidated Statutes of Canada, or by a special Act of Incorporation, having established a reading-room, or having evening classes organized for the imparting of practical instruction to its pupils, or having established a library of books on one or more of the following subjects, namely:—Mechanics, Manufactures, Agriculture, Horticulture, Philosophy, Science, the Fine and Decorative Arts, History, Travels, Poetry, and Biography, shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of the Province, for the purpose of aiding in such reading-room

Aid to Me-
chanics' In-
stitutes.

room, class instruction, or library, a sum not to exceed four hundred dollars in any one year: Provided that a sum equal to one-half the amount to be so paid by the Government is locally contributed or appropriated, or has been expended by such Institute, during the current year for such specific object or objects; Provided also, that any Mechanics' Institute which shall, during four months in any year, have in operation classes in which instruction is given by competent teachers in Writing, English Grammar, Arithmetic, Book-keeping, Mensuration, Freehand, Architectural and Mechanical Drawing, or any of these four subjects, shall be entitled to fifty dollars additional for each fifty pupils over and above two hundred;

2. Not more than one-fourth the total amount so received from unappropriated moneys in the hands of the Treasurer of the Province, and so locally contributed, shall be expended for the purpose of such reading-room;

3. The amount of such local contribution or appropriation shall be attested by an affidavit made by the Secretary or Treasurer of such Institute as may apply for aid (which affidavit may be in form of Schedule E to this Act annexed), not later than the first day of November in each year. 34 V. c. 23, ss. 6 & 22; 36 V. c. 36, ss. 6, 10.

Institute to pay five per cent. of aid to Association of Mechanics' Institutes and send report to the Commissioner.

78. Each Institute so receiving aid shall contribute and pay over to the Treasurer of the "Association of Mechanics' Institutes of Ontario" five per centum thereof; and such Institute shall also cause to be forwarded to the Commissioner of Agriculture and to the Secretary of the Association of Mechanics' Institutes, not later than the first day of July next after the end of any Institute year in which a Government grant has been made, a properly certified copy of its annual report for the Institute year in which such aid has been granted, in which shall be shown, upon schedules to be furnished by the Commissioner, that the specified contribution, appropriation or expenditure, and also the Legislative aid received by such Institute for that year, has been disbursed in accordance with the provisions of the preceding section. 34 V. c. 23, s. 6.

When Mechanics' Institutes may have benefit of this Act.

79. No Mechanics' Institute hereafter established shall be entitled to participate in the grants provided for by sections seventy-seven and seventy-eight of this Act, until the year following its formation, nor unless notice of its formation shall have been given to the Commissioner of Agriculture prior to the first day of December of the year preceding that for which the first application for an annual grant is made. 35 V. c. 32, s. 5.

Certain Institutes excluded from Government grant.

80. No Mechanics' Institute organized after the first day of January, one thousand eight hundred and seventy-two, shall be entitled to share in the Government grant, except such as shall be organized in Cities, Towns and Villages; and not more than one such Institute in any City or Electoral District thereof, Town or Village, shall share in such grant. 35 V. c. 32, s. 9.

81. The business year of every Mechanics' Institute claiming a grant under this Act shall end on the first day of May in each year; and every such Institute shall hold its annual meeting and submit its annual report in May in each year. Business year.

82. It shall be the duty of the County, City or Town Inspector of Schools to inspect every Mechanics' Institute in his County, City or Town, at least once in every year, and to annually audit the financial affairs of said Institute, and, before the first day of July in each year, to report to the Commissioner of Agriculture the condition and standing of each such Mechanics' Institute: Provided that no Inspector be appointed an officer of any Institute whose accounts he may have to audit. School Inspector to inspect, &c., Mechanics' Institutes. Proviso
35 V. c. 32, s. 6.

83. No Mechanics' Institute shall be entitled to share in the Government grant unless the Inspector of Schools shall report to the Commissioner of Agriculture that such Mechanics' Institute shall have duly complied with all the provisions of this Act, and of the several Acts relating to Mechanics' Institutes. When Institutes disentitled to Government grant.
35 V. c. 32, s. 7.

84. It shall be lawful for the Lieutenant-Governor in Council to direct the payment out of the Consolidated Revenue, of a sum of not less than ten dollars to each Inspector, for every Mechanics' Institute which he may inspect and report upon to the Commissioner of Agriculture. Fee to Inspector. 35 V. c. 32, s. 8.

THE ONTARIO SOCIETY OF ARTISTS.

85. The Society now existing and known as the "Ontario Society of Artists" may organize and form themselves into a society comprising not less than twenty-five members, and paying an annual subscription of not less than five dollars each, to be known as "The Ontario Society of Artists," and shall have power to adopt a constitution and make by-laws for the admission of members and for its guidance and proper management, and for the conduct and management of the Canadian Art Union and the promotion of any objects consistent with the study of Art and its practical bearing upon the interests of the Province of Ontario, and not inconsistent with the laws of the Province; and on filing a copy of such constitution and by-laws with the Commissioner of Agriculture and Arts, such Society shall become a body corporate under this Act. Society of Artists.

86. Such Society, so long as the number of its *bona fide* members is not less than twenty-five, shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of the Province, a sum of not less than five hundred dollars in any one year. Grant of not less than \$500.

87. The said Society shall hold an annual meeting in each year, at such time and place as the said Society may Annual meeting.

Election of
Officers.

may appoint, not being later than the thirtieth day of September, and the retiring officers shall at such meeting present a full report of their proceedings and of the proceedings of the Society, and a detailed statement of its receipts and expenditure for the previous year; and the Society shall at such meeting elect a President, a Vice-President, and such other officers as the constitution and by-laws of the Society may provide to be elected, and the Society shall also elect two Auditors.

Report to
Commissioner.

88. A copy of the annual report of its proceedings, and a statement of receipts and expenditure, and a list of the officers elected, and also a report of such information as the Society may have been able to obtain on the progress of Art in the Province, shall be sent to the Commissioner of Agriculture within forty days after the holding of such annual meeting.

THE FRUIT GROWERS' ASSOCIATION.

Fruit Growers
Association.

89. The Association now existing, and known as "The Fruit Growers' Association of Ontario" shall continue to be a body corporate, to comprise not less than twenty-five members, and may make by-laws and regulations for its guidance and proper management, not being contrary to the provisions of this Act or the general laws of the Province. 31 V. c. 29, s. 32.

Grant not to
exceed \$1000.

90. Such Association, so long as the number of its *bona fide* members is not less than fifty, and so long as it complies with the provisions of this Act, shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of the Province, a sum not exceeding one thousand dollars in any one year, provided that the Secretary of the Association shall, on or before the first day of September in each year, transmit to the Commissioner of Agriculture an affidavit, which may be sworn to before any Justice of the Peace, stating the number of members who have paid their subscriptions for the current year, and the total amount of such subscriptions. 31 V. c. 29, s. 32 (1); 34 V. c. 23, s. 7.

Annual meet-
ing.

91. The said Association shall hold an annual meeting at the place and during the same time as the Exhibition of the Agricultural and Arts Association is being held, in each and every year, and the retiring officers shall at such meeting present a full report of their proceedings, and of the proceedings of the Association, and a detailed statement of its receipts and expenditure for the previous year; and the Association shall at such meeting elect a President, a Vice-President, and thirteen Directors, (one for each of the thirteen Agricultural Divisions mentioned in Schedule A, and within which Division he shall be a resident), and the officers so elected shall elect, from amongst themselves or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer), and the Association shall also elect two Auditors. 31 V. c. 29, s. 33; 34 V. c. 23, s. 8.

Election of
officers.

92. The officers (a majority of whom shall form a quorum) shall have full power to act for and on behalf of the Association; and all grants of money and other funds of the Association shall be received and expended under their direction, subject, nevertheless, to the by-laws and regulations of the Association.

Powers of
officers.

93. A copy of the annual report of its proceedings, and a list of the officers elected, and also such information as the Association may have been able to obtain on the subject of fruit culture in the Province, shall be sent to the Commissioner of Agriculture within forty days after the holding of such annual meeting. 31 V. c. 29, s. 33 (1); 32 V. c. 47, s. 4; 34 V. c. 23, s. 8.

Report to
Commis-
sioner.

THE ENTOMOLOGICAL SOCIETY.

94. The Society now existing and known as "The Entomological Society of Ontario," shall continue to be a body corporate, to comprise not less than twenty-five members, paying an annual subscription of not less than one dollar each, and shall have power to make by-laws for the admission of members, and for its guidance and proper management, and for the promotion of any objects consistent with the study of Entomology, and its practical bearing upon the agricultural and horticultural interests of the Province, and not inconsistent with the laws of the Province. 34 V. c. 23, s. 9.

Entomological
Society.

95. Such Society, so long as the number of its *bona fide* members is not less than fifty, shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of the Province, a sum not to exceed seven hundred and fifty dollars in any one year, on the like conditions as are provided in the case of the Fruit Growers' Association of Ontario, in section ninety of this Act. 34 V. c. 23, s. 9.

Aid to Society

96. The said Society shall hold an annual meeting in each and every year, and at such time and place as the said Society may appoint, not being later than the thirtieth day of September, and the retiring officers shall at such meeting present a full report of their proceedings and of the proceedings of the Society, and a detailed statement of its receipts and expenditure for the previous year; and the Society shall at such meeting elect a President, a Vice-President, and not fewer than three nor more than five Directors, and the officers so elected shall elect, from amongst themselves or otherwise, a Secretary and Treasurer (or a Secretary-Treasurer); and the Society shall also elect two Auditors. 34 V. c. 23, s. 9.

Meetings and
election of
officers, &c.

97. A copy of the annual report of its proceedings, and a list of the officers elected, and also a report of such information as the Society may have been able to obtain on the subject of

Report to
Commissioner.

insect beneficial or injurious to the farm and the garden in Ontario, with such appropriate illustrations as the Society may have been able to obtain, shall be sent to the Commissioner of Agriculture within forty days after the holding of such annual meeting. 34 V. c. 23, s. 9.

THE DAIRYMEN'S ASSOCIATIONS.

Dairymen's
Associations.

98. There shall be an Association to be known as "The Dairymen's Association of Eastern Ontario," which shall be composed of Agricultural Divisions numbered one, two, three, four, five, and six; and there shall also be an Association to be known as "The Dairymen's Association of Western Ontario," which shall be composed of Agricultural Divisions numbered seven, eight, nine, ten, eleven, twelve, and thirteen; and each such Association shall be a body corporate, and shall each comprise not less than eighty members, each paying an annual subscription of not less than one dollar, and may make by-laws, rules, and regulations not being contrary to this Act, or to the general laws of this Province, for its guidance and management.

Grants to ex-
ceed \$1,000.

99. Each such Association, so long as the number of its *bona fide* members is not less than one hundred, shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of this Province, a sum not to exceed one thousand dollars in any one year, on the like conditions as are provided in the case of the Fruit Growers' Association of Ontario, in section ninety of this Act.

Property to be
divided.

100. The Society heretofore known as "The Dairymen's Association of Ontario" shall, as soon after the passing of this Act as may be practicable, pay all the liabilities due by the said Association; and any property, moneys, or other assets held by the said Association, or the value thereof, shall be equitably apportioned or divided between the Dairymen's Association of Eastern Ontario and the Dairymen's Association of Western Ontario, by three arbitrators or a majority of them, one to be appointed by the officers of the Eastern and one by the officers of the Western Association, and another to be chosen by the two arbitrators so appointed, or, in the event of the said two arbitrators failing to choose such third arbitrator within thirty days after their appointment, then the Commissioner of Agriculture shall appoint such third arbitrator.

First meet-
ings.

101. The first meeting of the members of the Eastern Ontario Association, shall be held in the Town of Belleville, and the first meeting of the Western Ontario Association shall be held in the Town of Ingersoll, on Wednesday, the second day of May, A.D. 1877; and each meeting shall be called by the President, or in his absence by the Vice-President of the Association heretofore known as "The Dairymen's Association of Ontario," and at least two full weeks' notice of the holding of such meet-
ings

ings shall be given by public advertisement in such papers published within the divisional limits of the respective Associations, as said President or Vice-President may deem expedient.

2. At the first meetings to be held in the Town of Belleville and the Town of Ingersoll respectively, as heretofore provided, the members present shall elect a President and two Vice-Presidents, and shall also elect one Director from each of the Agricultural Divisions comprising the respective Associations' limits; and the officers and Directors so elected shall elect from among themselves, or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer), and each Association shall elect two Auditors. Election of officers.

102. Each Association shall thereafter hold an annual meeting, at such time and place as shall be determined upon by any by-law adopted for the purpose of determining the time and place for holding such meeting; and each Association shall at such annual meeting elect such officers, Directors, and Auditors as are by the previous sub-section provided to be elected. Annual meeting.

2. And at each such annual meeting the retiring officers shall present a full report of their proceedings, and of the proceedings of the Association, and a detailed statement of its receipts and expenditure for the previous year; and a copy of said report and statement of receipts and expenditure, and a list of the officers elected, and also such general information on the subject of dairies and dairy products, in this Province and elsewhere, as each Association may have been able to obtain, shall be sent to the Commissioner of Agriculture within forty days after the holding of such annual meeting. 36 V. c. 36, s. 7 (4). Report to Commissioner.

103. The said Associations shall each hold annually a Cheese and Butter Fair or Exhibition, at such times and places as shall be determined upon by the officers and Directors of the respective Associations. Cheese and Butter Fair.

GENERAL PROVISIONS.

104. The Council or Board of Directors of any Association or Society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor, in the entry of any stock or goods in competition for prizes at any exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the Judges to such members or exhibitors, on such fraudulent or any other entries made at any such exhibition. Frauds at Exhibitions.

105. All persons not under eighteen years of age, who shall have paid the membership subscription for the year then next ensuing, to any Society organized under this Act, shall have the right of voting at the election of officers, and on all other questions Right of voting.

questions submitted to the annual meetings of such Societies, which shall apply solely to the business of such ensuing year; and all persons whose names are recorded on the books of any such Society as legal members thereof under this Act, shall have the right of voting on all other questions submitted to such annual meetings. 31 V. c. 29, s. 48 (3); 32 V. c. 47, s. 8; 34 V. c. 23, s. 17.

Payment of
subscriptions
after poll
opened not to
entitle to vote

106. No membership subscriptions for the ensuing year, paid after the President or presiding officer shall have declared the poll open for the election of officers, shall entitle any member to vote for such officers, or shall render him eligible for election as an officer, nor, except in the case of the City and Town Electoral District and Horticultural Societies, shall any votes be received earlier than one o'clock in the afternoon nor later than six o'clock in the afternoon of the same day. 34 V. c. 23, s. 17.

Vacancies.

107. In the event of any officer of any Agricultural or other Society or body subject to the provisions of this Act, dying or resigning office during the time for which he has been elected, it shall be the duty of the remaining officers and they are hereby empowered, to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning as aforesaid; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section. 31 V. c. 29, s. 48 (4); 32 V. c. 47, s. 8.

Where election
illegal and
void.

108. In the event of an election of any officers of any Association, Council, Society or other body coming within the provisions of this Act, not being held at the time or place herein directed, or being for any reason illegal and void, then the persons in office at the time when such election should have been legally held shall continue to be, and shall be deemed to be, the officers of such Association, Council, Society or body, until their successors are legally appointed; and, in the event of any such non-election, or illegal election, a special meeting of the members of such Association, Council, Society or other body, shall be called as soon as practicable, for the election of such officers; such meeting to be called (in the same manner as the annual meeting, as provided for in section forty) by the President, or in his absence or on his neglect by the Vice-President, or in the absence or on the neglect of the President and Vice-President, then by any three members of the Association, Council, Society or body; and at such meeting the election of officers shall take place, and the persons elected shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such Association, Council, Society or body.

Majority of
officers to be
residents.

109. The majority of the officers of Electoral District and Township Agricultural Societies, and of Horticultural Societies, shall

shall be residents of the Electoral District or Municipality which such Society represents; but the membership of any such Society may extend to other Electoral Districts or Municipalities. 35 V. c. 32, s. 4.

110. Every delegate from a Society or Institute, to any Association or Council of an Association, under this Act, whether he be such by virtue of his office or has been appointed thereto by special resolution, shall at the annual (or first) meeting of such Association or Council for that year, furnish a certificate, signed by the President and Secretary, and sealed with the seal of the Society or Institute he professes to represent, showing that he has been duly appointed a delegate of such Society or Institute; and such certificate may be in the form of Schedule F. to this Act annexed. 34 V. c. 23, s. 18, (6). Delegates to furnish certificates.

111. The Lieutenant-Governor shall issue his warrant in favour of the Agricultural and other Societies entitled to grants under this Act, to the amount of the whole appropriation required, as certified by the Commissioner of Agriculture; and the said Commissioner shall cause to be paid over to the Electoral District and other Societies the public grants to which they are respectively entitled. 31 V. c. 29, s. 49. Commissioner to pay grants.

112. Any Electoral District or incorporated Township Society, or the Municipal Council of any County or Township in Ontario, may purchase and hold land for the purpose of establishing a School Farm, to instruct pupils in the science and practice of Agriculture; and any such Society and any Municipal Council may purchase and hold such School Farm conjointly or otherwise, and may, conjointly or otherwise, make all necessary rules and regulations for the management thereof; and may sell, mortgage, lease or otherwise dispose of the same. Society may purchase land for School Farm.

2. Not more than two hundred acres of land shall be so held by any such Society or Council, whether conjointly or otherwise. 31 V. c. 29, s. 52. Proviso.

MUNICIPAL AID TO AGRICULTURAL AND OTHER SOCIETIES.

113. The Municipal Council of any City, Town, Village, County or Township in this Province, may grant money or land in aid of the Agricultural and Arts Association, or of any duly organized Agricultural or Horticultural Society, or incorporated Mechanics Institute, coming within the provisions of this Act, being within the limits of the Municipality, or within any adjoining Municipality; and any such grants heretofore made shall be held to be and to have been legally made. 31 V. c. 29, s. 55; 34 V. c. 23, s. 20. Municipalities may grant land or money in aid of purposes of this Act.

KEEPING THE PEACE AT EXHIBITIONS.

114. Any Justice of the Peace having jurisdiction in any City, Town, Village or Township, wherein a Fair or Exhibition may be Justices of the Peace may appoint policemen, &c.

be held, shall, on the request of the Council of the Agricultural and Arts Association, or of the President or Executive Committee of any Agricultural or Horticultural Society, appoint as many policemen or constables as may be required, at the expense of the said Association or of such Society, said policemen or constables to be named by such Association or Society, whose duty it shall be to protect the property of such Association or Society within the Exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such Association or Society. 31 V. c. 29, s. 56.

Penalty for
injuring prop-
erty.

115. If any person wilfully injures or destroys any property within the Exhibition grounds of the Agricultural and Arts Association, or of any Agricultural or Horticultural Society, or hinders or obstructs the officers or servants of the said Association or of such Society, or any policeman or constable duly appointed as aforesaid, in the execution of his duty, or gains admission to the said grounds contrary to the rules of such Association or Society, he shall be liable to a fine of not less than one nor more than twenty dollars; said fine to be enforced and collected as fines are usually collected, and to be paid over to such Association or Society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than thirty days. 31 V. c. 29, s. 57.

Gambling, &c.
to be prevent-
ed.

116. The officers of any such Association or Society may by their rules and regulations prohibit and prevent all kinds of gambling, theatrical, circus, or mountebank performances, exhibitions, or shows, and also regulate or prevent the huckstering or trafficking in fruits, goods, wares, or merchandize, on the Exhibition grounds, or within three hundred yards thereof; and any person who, after due notice of such rules and regulations, violates the same, shall be liable to be removed by the officers, policemen, or constables of said Association or Society, and be subject to the penalty prescribed by the next preceding section. 31 V. c. 29, s. 58.

Penalty.

Horse-races
prohibited
during Exhibi-
tions.

117. It shall not be lawful to carry on any horse-racing during the days appointed for holding any Exhibition by the Agricultural and Arts Association, or by any Electoral District Society, within five miles of the place of holding the same. 35 V. c. 32, s. 10.

Penalty.

2. Any person who shall be guilty of a violation of this section shall be liable, upon summary conviction before a Justice of the Peace, to a fine not exceeding fifty dollars, or imprisonment in the common gaol of the County for a period not exceeding thirty days. 35 V. c. 32, s. 11.

SCHEDULE A.

(Referred to in Section 19 of this Act.)

1. Stormont, Dundas, Glengarry, Prescott, and Cornwall.
2. Lanark, Renfrew, City of Ottawa, Carleton, and Russell.
3. Frontenac, City of Kingston, Leeds, Grenville, and Brockville.
4. Hastings, Prince Edward, Lennox, and Addington.
5. Durham, Northumberland, Peterborough, and Victoria (including Haliburton.)
6. York, Ontario, Peel, Cardwell, and City of Toronto.
7. Wellington, Waterloo, Wentworth, Halton, Dufferin, and City of Hamilton.
8. Lincoln, Welland, Haldimand, and Monck.
9. Elgin, Brant, Oxford, and Norfolk.
10. Huron, Bruce, Grey.
11. Perth, Middlesex, and City of London.
12. Essex, Kent, and Lambton.
13. Algoma, Simcoe, Muskoka, and Parry Sound.

SCHEDULE B.

(Referred to in Sections 35, 51, and 61 of this Act.)

We whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of "The Agriculture and Arts Act," to be called the Electoral District (*or* Township), Agricultural (*or* Horticultural) Society of the Electoral District (*or* Township, *or* City, *or* Town, *or* incorporated Village) of _____; and we hereby severally agree to pay to the Treasurer the sums opposite our respective names: and we further agree to conform to the by-laws and rules of the said Society.

NAMES.	\$ CTS.

31 V. c. 29, Sch. B; 36 V. c. 36, s. 9.

SCHEDULE

SCHEDULE E

(Referred to in Section 77 of this Act.)

COUNTY OF _____ } I, A. B., of
To Wit: } Secretary (*or* Treasurer) of the
Mechanics' Institute, make oath and say that the sum of _____
has been contributed, appropriated, or expended,
for the object of a reading-room, for evening class instruction,
and for the purchase of books for its library, or for one or more
of these objects, for the current year, as provided for, and on the
conditions named, in section seventy-seven of the Agriculture
and Arts Act.

Sworn before me, this
day of _____, A.D. 187____
C. L. _____ } A. B. _____
Justice of the Peace for the County of _____ }

34 V. c. 23, s. 22 36 V. c. 36, s. 10.

SCHEDULE F.

(Referred to in Section 110 of this Act.)

We, the President and Secretary of the Electoral District Agricultural Society (or Horticultural Society Mechanics' Institute or other Society, as the case may be) of the Electoral District, City, or Town, or incorporated Village) of, hereby certify that _____, President (or other officer, as the case may be) of the said Society (or Institute), has been duly appointed by the said Society (or Institute) to represent it at the approaching Annual (or other) Meeting of the Agricultural and Arts (or other) Association of Ontario, at in the County of _____, on the _____ day of _____ next,

Dated this day of A.D. 187 .

President,

[L.S.]

Secretary.

34 V.c. 23, s. 23.

CHAP. 18.

An Act to amend the Acts respecting the Sale of Fermented or Spirituous Liquors.

[Assented to 2nd March, 1877.]

WHEREAS it is expedient to amend the Acts respecting the Sale of Fermented or Spirituous Liquors, passed respectively in the thirty-seventh year of Her Majesty's reign, chapter thirty-two, and in the thirty-ninth year of Her Majesty's reign, chapter twenty-six :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appointment
of Inspectors
and License
Commis-
sioners.
37 V. c. 32, s.
8, amended.

1. The appointment of Inspectors and License Commissioners may be under the authority of the Lieutenant-Governor.

2. Section eight of the said Act thirty-seventh Victoria, chapter thirty-two, is amended, by substituting for the words "any issuer of licenses without any certificate or any of the terms, conditions, or formalities required in other cases," the words "the Inspector of Licenses for any License District to or from any port in which the vessel sails, or at any port in which she calls."

37 V. c. 32, s.
12, amended.

3. The twelfth section of the said Act is hereby amended by striking out the words "excepting in Townships," in the eleventh line, and by adding at the end of the section the words, "but this last provision shall not apply to taverns in Townships, unless so provided by by-law of the Township Council."

When petition
for license
to be pre-
sented.

4. Every petition for a tavern license, which is to take effect on the first day of May in any year, shall be filed with the License Inspector for the District wherein it is to have effect on or before the first day of April next preceding.

License limit-
ed to person
and place for
which it was
granted.

5. Subject to the provisions of the said Acts and of this Act as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named and for the premises therein described, and shall remain valid only so long as such person continues to be the occupant of the said premises and the true owner of the business there carried on.

37 V. c. 32,
s. 17, amend-
ed.

6. The seventeenth section of the said Act, thirty-seventh Victoria, chapter thirty-two, is hereby repealed and the following substituted therefor :

"17. In case any person having lawfully obtained a license under this Act, before the expiration of his license dies, or sells, or by operation of law or otherwise assigns his said business, or removes from the house or place in respect of which the said license applies, his said license shall, *ipso facto*, become forfeited, and be absolutely null and void to all intents and purposes whatever,—unless such person, his assigns, or legal representatives, within one month after the death, assignment, or removal of the original holder of such license, or other period in the discretion of the License Commissioners of the District in which the said license has effect, obtains their written consent either for the continuance of the said business, or to transfer such license to any other person, and thereupon forthwith transfers the same to such other person, who, under such transfer, may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in the house or place for which such license was issued and to which it applies, but in no other house or place."

Transfer of
license.

Limitation as
to time.

7. In every such case of transfer of a tavern license as in the last section is mentioned, the person in whose favour any such transfer is to be made shall first produce to the License Commissioners a report of the Inspector similar to that mentioned in the thirteenth section of the said Act, thirty-seventh Victoria, chapter thirty-two, as amended by the eleventh section of the Act thirty-ninth Victoria, chapter twenty-six.

New report
necessary.

8. The eighteenth section of the said Act, thirty-seventh Victoria, chapter thirty-two, is hereby amended by inserting therein after the word "conditions," in the sixteenth line of said section, the words "but no such permission shall be granted unless and until the person applying therefor has filed with the License Commissioners a report of the Inspector containing the information required by law in case of application for a license."

37 V. c. 32, s.
18, amended.

9. In case for any cause the license becomes void, or in case the term or interest of the holder of a license in the premises licensed ceases before the expiry of the license, or if such licensee absconds or abandons the premises, or becomes insolvent, the License Commissioners may grant a new license for the same premises, subject to the provisions of the said recited Acts, upon such terms as to the payment or refund by the new licensee of the duty for the unexpired period to the person entitled thereto under the original license, as to the License Commissioners may seem just.

How licenses
may be granted
for premises
where for any
cause the li-
cense becomes
void.

10. The twentieth section of the said Act is hereby amended by striking out the words "under a penalty of twenty dollars besides costs" and substituting therefor the words "under the penalty in money imposed by the thirty-fifth section of this Act," and by inserting in the first line of such section after the word "retail" the words "and no chemist or druggist."

37 V. c. 32, s.
20, amended.

37 V. c. 32, s.
24, amended.

11. The twenty-fourth section of the said Act is hereby amended by adding thereto the following clause:— “And no person unless duly licensed shall by any sign or notice hold himself out to the public that he is so licensed and the use of any sign or notice for this purpose is hereby prohibited.”

37 V. c. 32, s.
27 amended.

12. The twenty-seventh section of the said Act is hereby amended by adding thereto the words following: “But it shall be the duty of such chemist or druggist to record in a book, to be open to the inspection of the License Commissioners or Inspector, every sale or other disposal by him of liquor, and such record shall show as to every such sale or disposal, the time when, the person to whom, and the quantity sold, and the certificate, if any, of what medical practitioner, and in default of such sale or disposal being so placed on record, every such sale or disposal shall, *prima facie*, be held to be in contravention of the provisions contained in the said twenty-fourth and twenty-fifth sections of the said Act.”

37 V. c. 32, s.
28, amended.

13. The twenty-eighth section of the said Act is hereby amended by inserting after the words “any such liquor,” in the fourteenth line, the words “whether sold or not,” and by adding at the end of the said section the words “except by the occupant or some member of his family or lodger in his house.”

37 V. c. 32, s.
29, amended.

14. The twenty-ninth section is amended by adding after the words “wharf, dock, mooring, or station,” the words “nor shall any liquor, whether sold or not, be permitted or allowed to be consumed in or upon any vessel departing from and returning to the same port or wharf, dock, mooring, or station, within the time hereinafter in this section mentioned, by any person during the hours prohibited by the preceding section for sale of the same except for medical purposes, as provided in the preceding section.”

37 V. c. 32,
ss. 32 and 33,
amended.

15. Sections thirty-two and thirty-three of the said Act are hereby amended by inserting after the words “he shall,” in the second line of each of the said sections, the words “in addition to any other penalty to which he may be liable under this Act.”

37 V. c. 32.
s. 35, amended.

16. Section thirty-five of the said Act is hereby amended by striking out all the words after the words “three calendar months,” in the fourteenth line, and substituting the following provisions:—

Number of pre-
vious convic-
tions, how
proved.

“2. The number of such previous convictions shall be proveable by the production of a certificate under the hand of the convicting Justice, or of the Clerk of the Peace, without proof of his signature or official character, or by other satisfactory evidence.

35a. The proceedings upon any information for committing any offence against any of the provisions of this Act, in case of a previous conviction or convictions being charged, shall be as follows:

Proceedings thereon.

1. The Justices or Police Magistrate shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof, he shall then, and not before, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be sentenced accordingly; but if he denies that he was so previously convicted, or stands mute of malice, or does not answer directly to such question the Justices or Police Magistrate shall then inquire concerning such previous conviction or convictions.

2. A conviction may in any case be had as for a first offence notwithstanding that there may have been a prior conviction or convictions for the same or any other offence.

Previous convictions need not be charged.

3. Convictions for several offences may be made under this section, although such offences may have been committed on the same day: but the increased penalty or punishment hereinbefore imposed shall only be recoverable in the case of offences committed on different days; and after information laid for a first offence.

Offences on same day.

4. In the event of any conviction for any second or subsequent offence becoming void or defective, after the making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the Justices or Police Magistrate by whom such second or subsequent conviction was made, may by warrant under his or their hand summon the person convicted to appear at a time and place to be named in such warrant, and may thereupon, upon proof of the due service of such warrant if such person fails to appear or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid to all intents and purposes, as if it had been made in the first instance.

In case of a second or subsequent conviction becoming irregular by quashing of a first or previous conviction,

Justices or Police Magistrate may amend;

And amended conviction valid.

5. In case any person who has been convicted of a contravention of any provision of any of the sections of this Act, numbered twenty-four, twenty-five, twenty-six, twenty-seven, or twenty-nine, or any section for the contravention of which a penalty or punishment is prescribed by section thirty-five, is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence, within the meaning of section thirty-five, and may be dealt with and punished accordingly, although the two convictions may have been under different sections; and in case any such person is afterwards again convicted of a contravention of any provision of any of the said sections, whether similar or not to the previous offences, such conviction shall in like manner be deemed a conviction for a third offence, within the meaning of section thirty-five, and may be dealt with and punished accordingly.

Second offence: meaning of.

Third offence.

37 V. c. s 32,
36, amended.

17. Section thirty-six of the said Act is hereby amended by striking out the words "complaint made on oath," in the fourth line, and substituting the word "information," and by adding to the section the words "and shall also be liable to the penalties by the preceding section prescribed."

37 V. c. s 32, s.
37, amended.

18. Notwithstanding anything in the thirty-seventh section of the said Act contained the powers thereby conferred upon the Judge of any County Court shall be exerciseable in the case of any person who has been convicted on three several occasions for any violation of any of the provisions of the Acts hereby amended, or of this Act, whether the offences in respect of which such convictions were made may have been the same or different in their character, so long as such convictions have been offences committed on different days.

Procedure un-
der ss. 37-38.

2. The complaint in the said section and section thirty-eight mentioned, may be by a short petition to the Judge entitled "In the County Court of the County of———, and "In the matter of the license granted to —— (naming the defendant)," or, "In the matter of ——, Inspector of Licenses for the —— Riding of the County of ——," praying for the revocation of the said license, (or the removal of the Inspector, as the case may be,) and upon hearing the evidence adduced, or upon default of appearance of the prosecutor or defendant, the Judge may make such order as he deems just, with or without costs to be paid by the prosecutor or defendant.

37 V. c. s 32, s.
41, amended.

19. Section forty-one of the said Act is hereby amended by inserting the word "suspend" after the word "remit" in the third line.

37 V. c. s 32, s.
44, amended.

20. The following new section is substituted for section forty-four of the said Act:

Certain prose-
cutions to be
before two or
more justices
or police ma-
gistrate.

44. All prosecutions for the punishment of any offence against any of the provisions of sections twenty, twenty-four, twenty-five, twenty-eight, twenty-nine, thirty, thirty-five, or thirty-six of this Act, or any section for the contravention of which a penalty or punishment is prescribed by section thirty-five, whether the prosecution is for the recovery of a penalty or for punishment by imprisonment, may take place before any two or more of Her Majesty's Justices of the Peace having jurisdiction in the County or District in which the offence is committed, or in Cities and Towns where there is a Police Magistrate, before the Police Magistrate of the City or Town, who, it is hereby declared, shall have authority to hear and determine any case in which the offence is alleged to have been committed within the County (for judicial purposes) wherein such City or Town is situate, in a summary manner, according to the provisions and after the forms contained in and appended to the Act of Parliament of Canada, entitled "An Act respecting the duties of Justices of The Peace out of Ses-
sions

sions, in relation to Summary Convictions and Orders," which Act, and the Acts already passed, or which may be hereafter passed, amending the same, shall be held to apply to all prosecutions and proceedings under this Act, so far as consistent with this Act.

2. The Justices or Police Magistrate shall in all cases reduce to writing the evidence of the witnesses examined before them, or him, and shall read the same over to such witnesses, who shall sign the same. Evidence to be taken in writing.

21. All informations or complaints for the prosecution of any offence against any of the provisions of this Act, or of the Acts hereby amended, shall be laid or made in writing, and within thirty days after the commission of the offence, or after the cause of action arose, and not afterwards, before any one of such Justices or before such Police Magistrate (as the case may be), but may be made without any oath or affirmation to the truth thereof, and the same may be according to the form of Schedule A to this Act or to the like effect. Form of Information.

2. In the event of any variance between the information and evidence adduced in support thereof, the Justices or Police Magistrate may amend or alter such information, and may substitute for the offence charged therein, any other offence against the provisions of the said recited Acts, or this Act; but if it appears that the defendant has been materially misled by such variance, the said Justices or Police Magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment. Information may be amended.

3. In all cases of prosecution for any offence against any of the provisions of the said recited Acts, or of this Act, for which any penalty or punishment is prescribed by the thirty-fifth section of the first recited Act, the conviction or order of the said Justices or Police Magistrate (as the case may be,) shall be final and conclusive, and against such conviction or order there shall be no appeal to the Court of General Sessions of the Peace, or to any other Court except as hereinafter mentioned, any statute, usage, custom, or law to the contrary notwithstanding. Right of appeal.

4. An appeal shall lie from a conviction for any offence for which a penalty or punishment is prescribed by the thirty-fifth section of the first recited Act to the Judge of the County Court of the County in which the conviction is made, sitting in Chambers, without a jury, provided a notice in writing of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction; subject to the following provisions. Appeals.

5. The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said Judge, or (where the penalty of imprisonment with or without hard labour is adjudged) shall enter into a recognizance with two sufficient sureties, in the sum of two hundred dollars each, before the convicting Justices or Police Magistrate, conditioned personally to appear before the said Judge, and to try such Appellant to enter into a recognizance.

or deposit
amount of
penalty and
costs.

such appeal and abide his judgment thereupon, and to pay such costs as he may order, and in case the appeal be against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may, (although the order directs imprisonment in default of payment) instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or may deposit, with the said Justices or Police Magistrate convicting, the amount of the penalty and costs, and a further sum of twenty-five dollars to answer the respondent's costs of appeal.

Justices to
transmit de-
positions to
Clerk of
County Court.

6. Upon such recognizance being given or deposit made, the said Justices or Police Magistrate shall liberate such person if in custody, and shall forthwith deliver or transmit by registered letter post-paid, the depositions and papers in the case, with the recognizance or deposit as the case may be, to the Clerk of the County Court of the County wherein such conviction was had.

38 V. c. 11,
apply.

7. The practice and procedure upon such appeal, and all the proceedings thereon, shall thenceforth be governed by the Act respecting procedure on appeals to the Judge of a County Court from Summary Convictions, so far as the same is not inconsistent with this Act.

Mode of de-
scribing
offences in
informations,
&c.

22. In describing offences respecting the sale or other disposal of liquor, or the keeping, or the consumption of liquor in any information, summons, conviction, warrant, or proceeding under this Act or the Acts hereby amended, it shall be sufficient to state the sale, disposal, keeping, or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold or disposed of, or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept, or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

Conviction not
void for cer-
tain defects;

23. No conviction or warrant enforcing the same or other process or proceeding under the said recited Acts or this Act shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction warrant, process or proceeding that the same was made for an offence against some provision of the said Acts, within the jurisdiction of the Justices or Police Magistrate who made or signed the same, and provided there is evidence to prove such offence, and it can be understood from such conviction, warrant, or process, that the appropriate penalty or punishment for such offence was intended to be thereby adjudged.

May be
amended.

2. Upon any application to quash such conviction, or warrant enforcing the same, or other process or proceeding whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise,

otherwise, the Court or Judge to which such appeal is made or to which such application has been made upon *habeas corpus* or by way of *certiorari*, or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid, and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process, or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process, or proceeding shall be affirmed, or shall not be quashed (as the case may be), and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process, or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

24. The forty-sixth section of the said Act is hereby amended by substituting for the words "contained in" the words "for which any penalty or punishment is prescribed by."

37 V. c. 32, s. 46, amended.

25. The fifty-second section is amended by adding thereto the words "and proof of the fact of such sale, barter or traffic, or other act, matter or thing, by any person in the employ of such occupant or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic, or other act, matter or thing, took place with the authority and by the direction of such occupant."

37 V. c. 32, s. 52, amended.

26. The fifty-sixth section of the said Act is hereby repealed, and the following substituted therefor:

37 V. c. 32, s. 56, repealed.

56. Any officer, policeman or constable, or Inspector of Licenses may, for the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part of any inn, tavern, or other house or place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not, and may make searches in every part thereof, and of the premises connected therewith, as he may think necessary for the purpose aforesaid ;

Right of search granted.

2. Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman, or constable, or Inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, policeman, constable, or Inspector, or any such searches as aforesaid, shall be liable to the penalties and punishments prescribed by section thirty-five of this Act ;

Penalty for refusing to admit officer.

3. Any Justice of the Peace or Police Magistrate, if satisfied by information on the oath of any such officer, policeman, constable or Inspector, that there is reasonable ground for belief

Search warrant in granted.

that any spirituous or fermented liquor is being kept for sale or disposal contrary to the provisions of this Act in any unlicensed house or place within the jurisdiction of the Justice or Magistrate, may, in his discretion, grant a warrant under his hand, by virtue whereof it shall be lawful for the person named in such warrant at any time or times within ten days from the date thereof to enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and examine the same and search for liquor therein; and for this purpose may, with such assistance as he may deem expedient, break open any door, lock, or fastening of such premises, or any part thereof, or of any closet, cupboard, box or other article likely to contain any such liquor; and in the event of any liquor being so found unlawfully kept on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of the twenty-fifth section of this Act.

Unlawful
keeping of
liquor to be
evidence of
illegal dealings
therein.

39 V. c. 26,
s. 16 (2),
amended.

27. The second sub-section of section sixteen of the Act thirty-ninth Victoria, chapter twenty-six, is amended, by inserting after the word "by-law," in the first line, the words, "to be passed before the first day of March in any year," and by adding to the same sub-section the words "such by-law shall take effect from the passing thereof, and continue in force for any future year until repealed."

39 V. c. 26, s.
17, repealed.

28. The following new section is substituted for section seventeen of the said Act, thirty-ninth Victoria, chapter twenty-six, which is hereby repealed:—

Payment of
duties.

"17. The duty shall be paid by the applicant into the Bank designated by the Provincial Treasurer, to the credit of the License Fund Account for the License District, and upon production by the applicant to the Inspector, of the requisite certificate of the License Commissioners, together with a receipt showing payment in full of the duty to the credit of the said License Fund Account, as aforesaid, the Inspector may issue the license authorized by the Commissioners.

Cheques upon
the License
Fund Ac-
count.

"2. Cheques upon the License Fund Account shall be drawn by the Inspector, and countersigned by the Chairman, or any two of the License Commissioners, subject to the regulations of the Lieutenant-Governor in Council.

Fines
under this
Act to form
part of the
License Fund.

"3. All fines arising from prosecutions under this Act before the Police Magistrate at the Town of Clifton shall form part of the License Fund of the Municipality notwithstanding the provisions of the Act constituting fines a special fund for the payment of Provincial Police."

Regulations
to wholesale
licenses.

29. Wholesale licenses may be issued at any time during the year after the License Commissioners of the District in which such license is to have effect, shall have directed the same to be granted, and any wholesale license so issued shall be
and

and become void in case the holder thereof, at any time during the currency of the said license, shall directly or indirectly, or by or with any partner, clerk, agent or other person, carry on upon the premises to which such license applies the business of a retail dealer in any other goods, wares or merchandize.

30. The sale of liquor without license in any Municipality where "The Temperance Act of 1864" is in force shall nevertheless be a contravention of sections twenty-four and twenty-five of the said Act, thirty-seventh Victoria, chapter thirty-two; and the several provisions of the said recited Acts, and of this Act, shall have full force and effect in every such Municipality except in so far as such provisions relate to granting licenses for the sale of liquor by retail.

Prosecutions where "Temperance Act" is in force.

2. A wholesale license to be obtained under and subject to the provisions of the said recited Acts, and of this Act, shall be necessary, in order to authorize or make lawful any sale of liquor in the quantities allowed under the provisions of "The Temperance Act of 1864."

Wholesale licenses.

31. In any prosecution or proceeding under the Acts hereby amended, or under this Act, in which proof is required respecting any license, a certificate under the hand of the License Inspector of the District shall be *prima facie* proof of the existence of a license, and of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated and of the authority of the License Inspector, without any proof of his appointment or signature.

License, how proved.

32. Any person summoned as a party to, or as a witness in any proceeding under the Acts in force respecting the sale of liquor, may, by the summons, be required to produce, at the time and place appointed for his attendance, all books and papers, accounts, deeds and other documents in his possession, custody or control, relating to any matter connected with the said proceeding, saving all just exceptions to such production: and shall be liable to the same penalties for non-production of such books, papers or documents, as he would incur by refusal or neglect to attend, pursuant to such summons, or to be sworn or to answer any question touching the case.

Production of books, etc., may be ordered.

33. In any case where the License Commissioners of any License District may not think fit, or are unable to grant a new license to any applicant who has been licensed during the preceding twelve months, or any part thereof, they may, nevertheless, by resolution, provide for extending the duration of the existing license for any specified period of the year, not exceeding three months at their discretion, upon payment by the applicant, of a sum not exceeding the proportionate part of the duty payable for such license for the next ensuing license year; and such license, when a certificate of the extension

Extension of licenses.

extension aforesaid has been endorsed thereon, under the hand of the Inspector of Licenses for the License District, shall remain valid for the period specified in the resolution of the Commissioners, and no longer: but this provision shall not be construed to confer on the License Commissioners any authority to exceed the limit prescribed by the said recited Acts as to the number of tavern licenses to be granted in any year, except in Cities, where the License Commissioners may in their discretion, having regard to the particular circumstances of the City, and of each application, grant further tavern licenses, but within the number of such licenses granted for the year ending on the thirtieth day of April, 1877, and except in a locality where from its being largely resorted to in summer by visitors, the License Commissioners may, should they think fit, grant one additional tavern license, but not to extend beyond six months, commencing on the first day of May in each year.

License districts in Judicial or Territorial Districts.

34. The Lieutenant-Governor in Council may declare any portion of a Judicial or Territorial District which is not within the jurisdiction of a Municipal County, a License District, for the purposes of the said recited Acts, and of this Act, and may appoint therefor a Board of License Commissioners and one or more Inspectors.

Appeal from Stipendiary Magistrates.]

2. In any License District so formed an appeal shall lie from any decision of the Stipendiary Magistrate in any prosecution or proceeding under the said recited Acts, to the Judge of such District, or to any County Judge to whom an appeal may lie in other matters in such District.

39 V. c. 26,
s. 27 amended

35. Section twenty-seven of the said Act passed in the thirtieth year of Her Majesty's reign and chaptered twenty-six, is hereby amended by adding as sub-section four of said section, the following:—"And the proportion of such expenses payable by the Municipality shall become due and payable in one month after the same has been audited by the Provincial Treasurer, and after the Board of License Commissioners have requested payment of the same by notice in writing to the Clerk of the Municipality."

Forms in the Schedules.

36. The forms in the Schedules to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for, and when no forms are prescribed by the Schedules new ones may be framed according to those appended to The Act of Canada respecting the duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders, or The Act of Ontario respecting procedure on appeals to the Judge of the County Court from Summary Convictions—or any Acts amending the same respectively—such forms being made short and concise in the mode indicated in the Schedules to this Act which are to serve as guides so far as the particular case may allow.

37. Section fifteen of the said Act thirty-ninth Victoria, chapter twenty-six, is amended by substituting for the words "three gallons" therein the words "one gallon," and for the words "one dozen bottles" the words "two bottles."

39 V. c. 26, s.
15 amended.

38. No License Commissioner or Inspector of Licenses who is a Justice of the Peace, shall try or adjudicate upon any complaint for an infraction of any of the provisions of this Act or the said recited Acts committed within the limits of the License District for which he is a Commissioner or Inspector; but this section shall not be construed to apply to a Judge, or Junior Judge or Deputy Judge of a County.

Licenses Com-
missioners or
Inspectors
who are Jus-
tices of the
Peace pro-
hibited from
trying certain
complaints.

SCHEDULES TO ACT.

SCHEDULE A.

GENERAL FORM OF INFORMATION.

(See Act of 1874, section 44.)

ONTARIO, } THE INFORMATION of A. B. of the Town-
County of York, } ship of York, in the County of York,
To Wit : } License Inspector, laid before me C. D.,
Police Magistrate, in and for the City of Toronto, [or one of
Her Majesty's Justices of the Peace, in and for the County of
York,] the day of in the year of our Lord, one
thousand eight hundred and

The said Informant says, he is informed and believes that
X. Y. on the day of in the year of our Lord,
one thousand eight hundred and , at the Township of
York, in the County of York, unlawfully did sell liquor without
the license therefor by law required [or as the case may be—
See subjoined forms].

A. B.

Laid and signed before me the }
day and year, and at the place }
first above mentioned. }
C. D.

SCHEDULE B.

FORMS FOR DESCRIBING OFFENCES.

1. *Sale without License.* (Act of 1874, sec. 24, see form above.)

2. *Keeping liquor without license.* (Act of 1874, sec. 25.)
"That

"That X. Y. on at unlawfully did keep liquor for the purpose of sale, barter, and traffic therein, without the license therefor by law required."

3. *Sale of liquor in licensed premises during prohibited hours.* (Act of 1875, secs. 28 and 34.)

"That X. Y. on at in his premises [*or on, or out of, or from, his premises*] being a place where liquor may be sold, unlawfully did sell [*or dispose of*] liquor during the time prohibited by the Liquor Licenses Acts (*or by by-law of the Municipal Council of or of the License Commissioner for the District of as the case may be,*) for the sale of the same, without any requisition for medical purposes as required by said Acts being produced by the vendee or his agent.

4. *Allowing liquor to be drunk on licensed premises in prohibited hours.* (Act of 1874, secs. 28 and 34.)

"That X. Y. on at in his premises, being a place where liquor may be [*or is*] sold, by retail [*or wholesale*] unlawfully did allow [*or permit*] liquor to be drunk in such place during the time prohibited by the Liquor Licenses Acts for the sale of the same by a person other than the occupant, or some member of his family, or a lodger in his house."

5. *Sale of less than three half-pints under shop license.* (Act of 1874, sec. 3.)

"That X. Y. having a shop license on at unlawfully did sell liquor in less quantity than three half-pints."

6. *Neglecting to exhibit notice of license.* (Act of 1874, sec. 19.)

"That X. Y. being the keeper of a tavern [*or inn or house or place of public entertainment*] in respect of which a tavern license has duly issued and is in force on at unlawfully did not exhibit over the door of such tavern [*or inn, &c.,*] in large letters the words, 'Licensed to sell wine, beer, and other spirituous or fermented liquors,' as required by the Liquor Licenses Acts."

7. *Neglecting to keep license exposed.* (Act of 1874, sec. 8.)

"That X. Y. having a license by wholesale [*or a shop, or a tavern, or a vessel license*] on at unlawfully and wilfully or negligently omitted to expose the said license in his warehouse [*or shop, or in the bar-room of his tavern, or in the bar-saloon, or bar-cabin of his vessel,*] as the case may be.

8. *Allowing liquor to be consumed in shop.* (Act of 1874, sec. 20.)

"That X. Y. having a shop license on at unlawfully did allow liquor sold by him, (*or in his possession*)

sion), and for the sale of which a license is required, to be consumed within his shop [or within the building of which his shop forms part or, within a building which communicates by any entrance with his shop], by a purchaser of such liquor [or, by a person not usually resident within the building of which such shop forms a part].”

9. *Allowing liquor to be consumed on premises under wholesale license.* (Act of 1874, sec. 21.)

“That X. Y. having a license by wholesale, on at unlawfully did allow liquor sold by him [or in his possession for sale] and for the sale of which such license is required, to be consumed within his ware-house, [or shop, or within a building which forms part of or is appurtenant to or which communicates by an entrance with a ware-house [or shop, or premises] wherein an article to be sold [or disposed of] under such license, is sold by retail, [or wherein there is kept a broken package of an article for sale under such license].”

10. *Sale under wholesale licenses in less than wholesale quantities.* (Act of 1874, secs. 4 and 26.)

“That X. Y. having a license to sell by wholesale on at unlawfully did sell liquor in less quantity than five gallons [or, than one dozen bottles of three half-pints each, or then two dozen bottles of three-fourths of a pint each].”

11. *Illegal sale by druggists.* (Act of 1874, sec. 27; Act of 1877, sec. 12.)

“That X. Y. being a chemist [or druggist] on at did unlawfully sell liquor for other than strictly medicinal purposes, [or sell liquor in packages of more than twelve ounces at one time without a certificate from any registered medical practitioner, or sell liquor without recording the same] as required by the Liquor Licenses Acts.”

12. *Illegal sale under vessel license.* (Act of 1874, sec. 29. Act of 1877, sec. 14.)

“That X. Y. being authorized to sell liquor on a vessel called the ‘Spartan’ on at unlawfully did sell [or dispose of] liquor to be consumed by a person other than a passenger on such vessel while in port, [or, unlawfully did allow liquor to be consumed on such vessel during the time prohibited by the Liquor Licenses Acts for the sale of the same without any requisition for medical purposes as required by said Acts].”

13. *Keeping a disorderly house.* (Act of 1874, sec. 36.)

“That X. Y. being the keeper of a tavern [or ale-house, or beer-house, or house of public entertainment], situate in the City [or Town,

“ That X. Y. being licensed to sell liquor at _____ on unlawfully and knowingly did harbour [or entertain or suffer to abide and remain on his premises] O. P., a constable belonging to a police force, during part of the time appointed for his being on duty, and not for the purpose of quelling a disturbance or restoring order, or executing his duty.”

SCHEDULE C.

FORM OF INFORMATION FOR SECOND, THIRD, OR FOURTH, OFFENCE.

ONTARIO. } THE INFORMATION of A. B., of &c., License
County of York, } Inspector, laid before me C. D., Police
To Wit: } Magistrate in and for the City of Toronto,
[or one of Her Majesty's Justices of the Peace in and for
the County of York,] the _____ day of _____ in the year
of our Lord, one thousand eight hundred and _____.

The said Informant says he is informed, and believes that X. Y., on _____ at _____ (*describe last offence.*)

And further that the said X. Y. was previously, to wit on the 15th day of December, A.D. 1876, at the City of Toronto, before C. D., Police Magistrate in and for the City of Toronto [or at the Township of York, in the County of York before E. F., and G.H., two of Her Majesty's Justices of the Peace for the County of York], duly convicted of having on the 30th day of November, 1876, at the Village of Yorkville, in the County of York, unlawfully sold liquor without the license therefor required by law [*or as the case may be*].

And further, that the said X. Y. was previously, to wit on the 28th day of November, A.D. 1876, at the Township of Vaughan, in the County of York, before &c. [*as in preceding paragraph*], again duly convicted of having on the 10th day of November, A.D. 1876, at the Township of Etobicoke in the County of York, having a shop license, unlawfully allowed liquor to be consumed within a building which communicates by an entrance with his shop, by a person not usually resident within the building of which such shop forms a part (*or as the case may be*).

And further, that the said X. Y. was previously, to wit on the 30th day of October, A.D. 1876, at the Village of Newmarket, in the County of York before &c., (*see above*) again duly convicted of having on the 25th day of September A.D., 1876, at the Village of Yorkville in the County of York, (being in charge of the premises of O. P., a place where liquor was reputed to be sold,) unlawfully failed to admit E. F., an officer demanding to enter in the execution of his duty.

And the Informant says the offence hereinbefore firstly charged against the said X. Y., is his fourth offence against the Liquor Licenses Acts.

Laid and signed before me the day }
and year, and at the place first }
above mentioned. C. D. }

A. B.

SCHEDULE

SCHEDULE D.

SUMMONS TO WITNESS.

ONTARIO,
County of York, } To J. K. of the City of Toronto, in the
To Wit: } County of York.

Whereas, information has been laid before me, C. D. one of Her Majesty's Justices of the Peace in and for the County of York, *or* Police Magistrate for the City of Toronto, that X. Y., being a druggist, on the 10th day of January, A. D. 1877, at the Township of Vaughan, in the County of York, unlawfully did sell liquor for other than strictly medicinal purposes, and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecutor in this behalf.

These are to require you under pain of imprisonment in the Common Gaol personally to be and appear on Tuesday, the sixteenth day of January, A. D. 1877, at ten o'clock in the forenoon, at the Town Hall, in the Village of Richmond Hill, before me or such Justice or Justices of the Peace as may then be there to testify what you shall know in the premises [and also to bring with you and there and then to produce and all every invoices, day books, cash books, or ledgers and receipts, promissory notes, or other security relating to the purchase, or sale of liquor by said X. Y., and all other books and papers, accounts, deeds, and other documents in your possession, custody or control, relating to any matter connected with the said prosecution].

Given under my hand and seal this 12th day of January, A. D. 1877, at the Village of Richmond Hill, in the County of York.

C. D.

J. P. (L. S.)

SCHEDULE E.

FORM OF CONVICTION FOR FIRST OFFENCE.

ONTARIO, } BE IT REMEMBERED that on the sixth day
County of York, } of January, in the year of our Lord one
To Wit: } thousand eight hundred and seventy-seven,
at the City of Toronto, in the said County of York, X. Y.
is convicted before me C. D., Police Magistrate in and
for the City of Toronto (*or* before us E. F. and G. H.,
two of Her Majesty's Justices of the Peace, in and for
the said County), for that he the said X. Y., on the
second day of January, in the year of our Lord one thousand
eight hundred and seventy-seven, at the Township of York, in
the said County, in his premises, being a place where liquor
any

may be sold, unlawfully did sell liquor during the time prohibited by the Liquor Licenses Acts, for the sale of the same without any requisition for medicinal purposes as required by said Acts, being produced by the vendee or his agent, (*or as the case may be,*) (A., B., being the Informant) and I (*or we*) adjudge the said X. Y., for his said offence to forfeit and pay the sum of twenty dollars, to be paid and applied according to law, and also to pay to the said A. B., the sum of six dollars for his costs in this behalf, and if the said several sums be not paid forthwith, then* I (*or we*) order the said sums to be levied by distress and sale of the goods and chattels of the said X. Y., and in default of sufficient distress in that behalf* [*or when the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks** say "inasmuch as it has now been made to appear to me (or us) that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y. and his family," or "that the said X. Y. has no goods or chattels whereon to levy the said several sums by distress"*]. I (*or we*) adjudge the said X. Y. to be imprisoned in the Common Gaol for the County of York, at Toronto in the said County, and there to be kept at hard labour for the space of fifteen days, unless the said sums and the costs and charges of conveying the said X. Y. to the said Common Gaol, shall be sooner paid.

Given under my hand and seal [*or our hands and seals*] the day and year first above mentioned, at the City of Toronto, in the County aforesaid.

C.D.,	(L. S.)
<i>Police Magistrate,</i>	
or E. F.,	
J. P.	(L. S.)
G. H.,	
J. P.	(L. S.)

SCHEDULE F.

FORM OF CONVICTION FOR A THIRD OFFENCE.

ONTARIO,	}	BE IT REMEMBERED that on the twenty-second day of January, in the year of our Lord, one thousand eight hundred and seventy-seven in the City of Toronto in the said County, X. Y. is convicted before the undersigned C. D. Police Magistrate, in and for the City of Toronto, in said County, [<i>or C. D. and E. F. two of Her Majesty's Justices of the Peace, in and for the said County,</i>] for that he, the said X. Y. on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at the City of Toronto [<i>or Township of Scarboro</i>], in said County (<i>as the case may be</i>), having violated a provision of the Liquor Licenses Acts, unlawfully did attempt
County of York,		
To Wit:		to

to settle the offence with A. B., with the view of having the complaint made in respect thereof dismissed. And it appearing to me [or us] that the said X. Y. was previously, to wit, on the 15th day of December A. D. 1876, at the City of Toronto, before &c., duly convicted of having on the 30th day of November, A. D. 1876, at the Village of Yorkville, unlawfully sold liquor without the license therefor by law required. And it also appearing to me [or us], that the said X. Y. was previously, to wit, on the 28th day of November, A. D. 1876, at the Township of Vaughan, before, &c., (*see above*) again duly convicted of having on the 2nd day of November, A. D. 1876, at the Village of Markham (being the keeper of a tavern), situate in the said Village of Markham, unlawfully allowed gambling in his said tavern (*or as the case may be.*)

I [or we], adjudged the offence of said X. Y. hereinbefore firstly mentioned to be his third offence against the Liquor Licenses Acts, A. B. being the Informant, and I [or we], adjudged the said X. Y. for his said third offence to be imprisoned in the Common Gaol of the said County of York, at Toronto, in the said County of York, there to be kept at hard labour for the space of three calendar months (*or as the case may be.*)

Given under my [or our] hand and seal [or hands and seals] the day and year first above mentioned at Toronto, in the County of York.

C. D.	(L. S.)
or C. D.	(L. S.)
E. F.	(L. S.)

SCHEDULE G.

WARRANT OF COMMITMENT FOR FIRST OFFENCE WHEN A PENALTY IS IMPOSED.

ONTARIO.	} To ALL or any of the Constables and other Peace officers in the said County of York, and to the Keeper of the Common Gaol of the said County at Toronto, in the County of York.
County of York,	
To Wit:	

Whereas, X. Y., late of the City of Toronto, in the said County was on this day convicted before the undersigned, C. D., Police Magistrate in and for the City of Toronto [or C. D. and E. F., two of Her Majesty's Justices of the Peace in and for the City of Toronto or County of York, as case may be], for that he, the said X. Y., on at unlawfully did sell liquor without the license therefor by law required (*state offence as in the conviction*), (A. B. being the informant,) and it was thereby adjudged that the said X. Y., for his said offence should forfeit and pay the sum of (*as in conviction*), and should pay to the said A. B. the sum of for his costs in that behalf.

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said X. Y. should be imprisoned

imprisoned in the Common Gaol of the said County at Toronto, in the said County of York, there to be kept at hard labour for the space of _____, unless the said several sums and the costs and charges of conveying the said X. Y. to the said Common Gaol should be sooner paid.

And whereas the said X. Y. has not paid the said several sums or any part thereof, although the time for payment thereof has elapsed.

If a distress warrant issued and returned 'no goods' or 'not sufficient goods,' say, "And whereas, afterwards on the 15th day of January, A.D. 1877, I the said Police Magistrate (*or we the said Justices*), issued a warrant to the said constables or peace officers, or any of them, to levy the said several sums of

and _____ by distress and sale of the goods and chattels of the said X. Y. ;

"And whereas it appears to me (*or us*), as well by the return of the said warrant of distress by the constable who had the execution of the same as otherwise, that the said constable hath made diligent search for the goods and chattels of the said X. Y., but that no sufficient distress whereon to levy the said sums could be found."

Or when the issuing of a distress warrant would be ruinous to the defendant and his family, or if it appears that he has no goods whereon to levy a distress, then, instead of the foregoing recitals of the issue and return of the distress warrant, &c., say,

"And whereas it has been made to appear to me (*or us*), that the issuing of a warrant by distress in this behalf would be ruinous to the said X. Y. and his family," *or* "that the said X. Y. has no goods or chattels whereon to levy the said sums by distress" [*as the case may be*].

These are therefore to command you the said constables or peace officers, or any one of you to take the said X. Y., and him safely convey to the Common Gaol aforesaid, at Toronto, in the County of York, and there deliver him to the said Keeper thereof, together with this precept.

And I (*or we*) do hereby command you the said Keeper of the said Common Gaol to receive the said X. Y. into your custody in the said Common Gaol, there to imprison him and keep him at hard labour for the space of _____, unless the said several sums and all the costs and charges (of the said distress amounting to the sum of _____,) and of the commitment and conveying of the said X. Y. to the said Common Gaol, amounting to the further sum of _____ shall be sooner paid unto you the said Keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (*or our hands and seals*), this _____ day of _____ A.D. 1877, at Toronto in the said County of York.

C. D.	(L. S.)
<i>or</i> C. D.	(L. S.)
E. F.	(L. S.)

SCHEDULE

SCHEDULE H.

WARRANT OF COMMITMENT FOR SECOND (*or* THIRD) OFFENCE,
WHERE PUNISHMENT IS BY IMPRISONMENT ONLY.

ONTARIO. } To ALL or any of the Constables and other
County of York, } Peace Officers in the said County of
To Wit: } York, and to the Keeper of the Com-
mon Gaol of the said County, at Toronto, in the County of
York.

Whereas X. Y., late of the _____ of _____ in the
said County, was on this day convicted before the undersigned
C. D., &c., (*or* C. D. and E. F., &c.), as in preceding form, for
that he, the said X. Y. on _____ at _____ (*state offence*
with previous convictions, as set forth in the conviction for the
second (or third) offence, or as the case may be, and then proceed
thus): "And it was thereby adjudged that the offence of the
said X. Y., hereinbefore firstly mentioned, was his second (*or*
third) offence against the Liquor Licenses Acts, A. B. being the
informant; and it was thereby further adjudged that the said
X. Y., for his said second (*or* third) offence, should be impris-
oned in the Common Gaol of the said County of York, at To-
ronto, in the said County of York, and there to be kept at hard
labour for the space of three calendar months.

These are therefore to command you the said Constables, or
any one of you, to take the said X. Y., and him safely convey
to the said Common Gaol at Toronto aforesaid, and there deli-
ver him to the Keeper thereof, together with this precept.
And I (*or* we) do hereby command you, the said Keeper of the
said Common Gaol, to receive the said X. Y. into your custody
in the said Common Gaol, there to imprison him and to keep
him at hard labour for the space of three calendar months.

Given under my hand and seal, this _____ day of
A.D. 1877, at Toronto, in the said County of York.

C. D. [L.S.]
or C. D. [L.S.]
E. F. [L.S.]

CHAP. 19.

An Act respecting the County Court and General Ses-
sions of the Peace and Surrogate Court of the
County of York.

[Assented to 2nd March, 1877.]

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. The sittings of the County Court of the County of York, for the trial of issues of fact and assessment of damages, and the sittings of the Court of General Sessions of the Peace for the said County, shall hereafter commence respectively on the first Tuesday in the months of December and March, and on the second Tuesday in the months of May and September, in each year.

Days for holding sittings of County Courts and Gen. Ses. of the Peace in York. This section does not take effect until 1st April, 1877. Vide cap. 8, sec. 75.

2. While sittings of the County Court of the County of York are being held for the trial of issues of fact and assessment of damages, the Judges of the said Court, or any two persons authorized to hold the sittings of such Court, may, in case the General Sessions of the Peace have been adjourned or have terminated, sit separately and concurrently, one for the trial of causes where a jury is required, and the other for the trial of causes to be tried without a jury.

Concurrent sittings for trial of jury and non-jury cases.

3. The Terms of the County and Surrogate Courts of the County of York shall hereafter commence respectively on the first Monday in January and April, and on the second Monday in June and October, in each year, and shall end on the Saturday of the same week.

Commencement of Terms of County and Surrogate Courts.

4. The Lieutenant-Governor may from time to time appoint a person to fill the office of shorthand writer for the said Courts, and such person shall be subject to the direction of the Senior Judge, or, in his absence, to the direction of the Junior Judge, and shall be entitled to such remuneration, either by salary or by fees, or partly by salary and partly by fees, as the Lieutenant-Governor in Council may from time to time direct; and if paid by salary only, the fees payable in respect of his duties as a shorthand writer, shall go in reduction of his salary, and the balance, if any, shall be paid by the County quarterly, on the first day of January, April, July and October of every year: Such fees, and all matters relating to the duties of the said officer, shall be determined and regulated from time to time by the Judges of the said County Court, subject to the approval of the Lieutenant-Governor in Council.

Shorthand writers.

2. The City of Toronto shall bear and recompense the County of York for a proper proportion of the said salary, and such proportion, in case the City and County disagree, shall be determined by arbitration, according to the provisions of the Municipal Act; and, subject to such agreement or arbitration and until and unless the same determines a different proportion, the City shall pay to the County one-half, and the County's share shall be one-half of said salary.

Share of City of Toronto in such salary.

CHAP. 20.

An Act respecting Constables.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Appointment
of Constables
by County
Court Judges.

1. (To prevent injurious delay in appointing County Constables, arising from the long intervals between the sittings of the Courts of General Sessions of the Peace), any Judge of a County Court may, at any time, and from time to time, appoint any person or persons to be a Constable or Constables for the the County or United Counties, of the County Court of which such Judge is a Judge.

To be notified
to Clerk of the
Peace.

2. The Judge making any such appointment shall forthwith notify the Clerk of the Peace thereof.

To be reported
by Clerk to the
General Ses-
sions.

3. The Clerk of the Peace shall report every such appointment to the next Court of General Sessions of the Peace which is holden after he receives notice thereof from the said Judge, and unless at such Court such appointment is revoked by order duly passed in Sessions, the same shall continue as if the same had originally been made at such Court.

Authority of
such Constables.

4. Any Constable so appointed by a Judge as aforesaid shall during the continuance of such appointment, have the same authority and privileges and be subject to the same liability and the performance of the same duties as if originally appointed by the Court of General Sessions of the Peace.

Suspension of
Constables by
County Court
Judge.

5. The Judge of the County Court may suspend from office any County Constable for any period, in the discretion of the Judge, but not beyond one week after the time appointed for the next sittings of the General Sessions of the Peace ; such suspension shall be by notice in writing ; and in case the Judge considers the suspended officer deserving of dismissal, such Judge shall, immediately after suspending him, report the case fully to the Clerk of the Peace for submission to the Justices at the next General Sessions of the Peace ; and the Justices may dismiss such officer, or direct him to be restored to his office, after the period of his suspension has expired, or after such further period of suspension as they may order.

Appointment
of Provincial
Constables by
Lieutenant-
Governor.

6. The Lieutenant-Governor may appoint, either permanently or for such a period as he may think fit, persons to be Provincial Constables, and every person so appointed shall, while he holds office, be a Constable of every County and District in Ontario, and, as such, shall have authority to act in any part of this Province.

CHAP.

CHAP. 21.

An Act to amend the Act respecting Mortgages and Sales of Personal Property.

[Assented to 2nd March, 1877.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Where any mortgage of goods and chattels is registered under the provisions of chapter forty-five of the Consolidated Statutes for Upper Canada, respecting Mortgages and Sales of Personal Property, such mortgage may be discharged, by the filing, in the office in which the chattel mortgage is registered, of a certificate signed by the mortgagee, his executors or administrators, in the form given in the Schedule hereto, or to the like effect.

Certificates for discharging chattel mortgages.

2. The officer with whom the chattel mortgage is filed, upon receiving such certificate, duly proved by the affidavit of a subscribing witness, shall, at each place where the number of such mortgage has been entered, with the name of any of the parties thereto, in the book kept under section eight of the said Act, or wherever otherwise in the said book the said mortgage has been entered, write the words, "*Discharged by certificate No. —*" (stating the number of certificate,) and to the said entry such officer shall affix his name, and he shall also endorse the fact of such discharge upon the instrument discharged, and shall affix his name to such instrument.

Entering certificates of discharge.

3. Where a mortgage has been renewed under section ten of the said Act, the endorsement or entries required by the preceding section to be made, need only be made upon the copy filed on the last renewal, and at the entries of such copy in the said book.

Where mortgages have been renewed.

4. In case any registered chattel mortgage has been assigned, such assignment may, upon proof by the affidavit of a subscribing witness, be numbered and entered in the alphabetical chattel mortgage book, in the same manner as a chattel mortgage, and the proceedings authorized by the preceding sections of this Act may and shall be had, upon a certificate of the assignee, proved in manner aforesaid.

Entry of assignment of mortgages.

5. The affidavit required by the tenth section of the said Act may be made by any next of kin, executor or administrator of any deceased mortgagee, or by any assignee claiming by

Sec. 10 of C. S. U. C. c. 45 amended

ferred upon Building Societies, and Companies incorporated under the Building Societies Act, is limited to the amount of their paid-up capital and one-third more; and whereas it is desirable that the powers there conferred should be increased to enable such Societies to borrow additional moneys upon debentures, and the said Act should be altered and amended in this particular;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The powers of Building Societies authorized to borrow money upon debentures, issued under the provisions of the sixth section of the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered thirty-two, are hereby increased, and such Societies are hereby authorized and empowered to issue debentures to such an amount as, with all the other liabilities of such society, shall be equal to double the amount of the capitalized fixed and permanent stock, not liable to be withdrawn therefrom, and reserve fund of such Society: Powers of building societies to issue debentures. Provided always, that the total liabilities of such Society shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such Society; Proviso: not to exceed their mortgages. and that in estimating the liabilities of such Society, the amount of cash actually in the hands of such Society, or deposited in any chartered bank, shall be deducted therefrom: Proviso. Provided, that in ascertaining the principal remaining unpaid on the mortgages held by any such Society, it shall be incumbent upon such Society to compute or discount such mortgages at rates of interest at least equal to the rates which they respectively bear or were originally calculated to yield: Proviso. Provided further, that all loans or advances made by any Society, to its shareholders upon the security of their stock, shall be deducted from the amount of paid-up capital upon which such Society is authorized to borrow.

2. The reserve fund of any Society shall consist of surplus profits and assets, after full and ample provision shall have been made for all bad and doubtful debts, and other known contingent deductions. Reserve Fund.

3. In case any such Society having heretofore issued debentures under the said Act, thirty-nine Victoria, chapter thirty-two, desires to avail itself of the increased borrowing powers hereinbefore conferred, it shall be the duty of the Board of Directors of such Society, to leave at the place where such debentures are payable, a copy of this Act and a printed notice directed to the holders of such debentures, that such Society intends to avail itself of the provisions of this Act, and thereupon any such debenture holder shall at any time within six months after the leaving of such notice, as aforesaid, have the right after giving six months' notice in writing, to demand, and on Notice of intention of Society to avail itself of the increased borrowing powers

on presentation of his debentures and coupons, to receive payment of such debentures with interest up to the time of payment—such notice in writing to be left, and presentation for payment to be made at the place where such debentures are payable.

CHAP. 23.

An Act to Amend the Acts respecting Dentistry.

[Assented to 2nd March, 1877.]

WHEREAS it is expedient to amend the Act respecting Dentistry, passed in the thirty-first year of Her Majesty's reign, and chaptered thirty-seven, and the Act to amend the same passed in the thirty-fifth year of Her Majesty's reign, chaptered thirty-four;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Royal College of Dental Surgeons continued.

1. "The Royal College of Dental Surgeons of Ontario" incorporated under the Act first above recited is continued, and every person who holds or may hereafter hold a valid and unforfeited certificate of license to practise Dentistry which has been granted to him by any Board of Examiners duly elected under the said Act, shall be a member of the said College.

No person to practise without certificate or without authority assume certain titles.

2. No person who is not a member of the said The Royal College of Dental Surgeons of Ontario, shall practise the profession of dentistry, for hire, gain, or hope of reward, or pretend to hold, or take or use any name, title, addition or description implying that he holds a certificate of license to practise Dentistry, or that he is a member of the said The Royal College of Dental Surgeons of Ontario, or shall falsely represent, or use any title representing that he is a graduate of any Dental College: Provided always that nothing herein contained shall affect or interfere with the rights and privileges of registered medical practitioners in Ontario.

Penalty.

2. Every person who contravenes any of the provisions of this section, shall for each such offence incur a penalty of twenty dollars.

Penalties how recoverable.

3. Every penalty imposed by this Act may be recovered with full costs of prosecution on summary conviction before any one or more of Her Majesty's Justices of the Peace for the County in which the offence is committed.

4. Except where it is herein otherwise provided, the procedure upon any such prosecution shall be that prescribed by the Act of the Legislature of Ontario, passed in the thirty-eighth year of Her Majesty's reign, and chaptered four.

Procedure upon prosecutions.

5. The penalty and costs imposed upon any such conviction shall be forthwith paid over to the convicting Justice, and the penalty shall be by him paid over to the Secretary of the said the Royal College of Dental Surgeons of Ontario, and in case the said penalty and costs be not paid forthwith, the said Justice may issue his warrant to commit the defendant to the common gaol of the County, there to be imprisoned for any term not exceeding one month unless the penalty and costs be sooner paid.

Application of penalty

6. The penalty imposed by the second section of this Act, shall be recoverable with full costs of suit in the name of "The Royal College of Dental Surgeons of Ontario," in the proper Division Court.

Penalty may be recovered in name of the College.

7. On any prosecution or suit under the Acts hereby amended or under this Act, the burden of proof that the defendant is entitled to practise the profession of Dentistry as aforesaid, or to use the title assumed by him, or that he is a graduate of the Dental College of which he professes to be a graduate (as the case may be), shall be upon the defendant.

In prosecutions or suits the burden of proof to be on defendant.

8. No person who contravenes any of the provisions of the second section of this Act shall be entitled to sue or recover in any Court of Law or Equity for any work done, or materials provided by him, in the ordinary and customary work of a Dentist.

Persons contravening this Act not to recover for work done.

9. The eighteenth section of the Act passed in thirty-first year of Her Majesty's reign, and chaptered thirty-seven, and the eleventh section of the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered thirty-four, are hereby repealed.

31 V. c. 37 s. 18, and 35 V. c. 34, s. 11, repealed.

10. With a view to encourage the attainment of a higher standard of education among the licentiates of the said "The Royal College of Dental Surgeons of Ontario," the Board of Directors appointed from time to time, under the Acts hereby amended, or under this Act, may by by-laws provide that any licentiate in Dentistry, being a member of said College of not less than five years' standing, shall receive the title of Master of Dental Surgery of the said College, upon passing such examinations and complying with such regulations as the said Board of Directors may from time to time prescribe.

Degree of M.D.S. may be conferred.

CHAP. 24.

An Act respecting the Territorial and Temporary
Judicial Districts of the Province, and the Pro-
visional County of Haliburton.

[Assented to 2nd March, 1877.]

HER Majesty by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

Gaols, &c., in
Districts, &c.

1. The Lieutenant-Governor may from time to time direct that one or more suitable gaols or lock-ups shall be provided by the Commissioner of Public Works, in any Territorial District or Provisional County in Ontario.

Muskoka and
Parry Sound,
annexed to
county Simcoe
for certain
judicial pur-
poses.

31 V. c. 35.

33 V. c. 24.

2. Except for the purposes provided for, as to the District of Muskoka, by the Act passed in the thirty-first year of Her Majesty's reign, entitled "An Act to provide for the organization of the Territorial District of Muskoka," and the Act amending the same, and as to the District of Parry Sound, by the Act passed in the thirty-third year of Her Majesty's reign, entitled, An Act to provide for the organization of the Territorial District of Parry Sound, so much of the territory comprising the said Districts as is not already included in the judicial County of Simcoe, is hereby annexed to and shall form part of the said judicial County of Simcoe.

Gaols of such
Districts to be
common gaols
of the judicial
union.

3. Any gaol or lock-up erected in either of the said Districts, under the authority of the Lieutenant-Governor, shall be a common gaol of such District, and of the County of Simcoe, for the safe custody of persons charged with the commission, within such District, of crimes or with the commission therein of offences against any of the statutes of this Province, or against any municipal by-law, who may not have been finally committed for trial, or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within such District, or for the confinement of persons sentenced within the said District for crimes or offences aforesaid, for periods not exceeding one month, or for the confinement of persons sentenced as aforesaid, for periods exceeding one month, until such persons can be conveniently removed to the gaol at Barrie, or other lawful prison to which they are sentenced.

Gaols in
Thunder Bay
to be common
gaols of Thun-
der Bay and
Algoma.

4. Any gaol or lock-up erected in the Territorial District of Thunder Bay, under the authority of the Lieutenant-Governor, shall be a common gaol of such District, and of the Provisional Judicial District of Algoma, for the safe custody of persons charged with the commission, within the said District, of crimes,

or

or with the commission therein of offences against any statute of this Province, or against any municipal by-law who may not have been finally committed for trial, or for the safe custody of persons finally committed for trial charged as aforesaid, who are to be tried within the said District of Thunder Bay, or for the confinement of persons sentenced within the said District, for crimes or for offences aforesaid, for periods not exceeding two months, or for the confinement of persons sentenced as aforesaid, for periods exceeding one month, until such persons can be conveniently removed to the gaol at Sault Ste. Marie, or other lawful prison to which they are sentenced.

5. Any gaol or lock-up erected in the Provisional County of Haliburton, under the authority of the Lieutenant-Governor, shall be a common gaol of such Provisional County, and of the County of Victoria, for the safe custody of persons charged with the commission, within the said Provisional County, of crimes, or with the commission therein of offences against any statute of this Province, or against any municipal by-law who may not have been finally committed for trial, or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within the said Provisional County, or for the confinement of persons sentenced within the said Provisional County for crimes, or for offences aforesaid, for periods not exceeding one month, or for the confinement of persons sentenced as aforesaid for periods exceeding one month, until such persons can be conveniently removed to the gaol at Lindsay, or other lawful prison to which they are sentenced.

Gaols in Haliburton to be common gaols of Haliburton and Victoria.

6. Nothing contained in the three last preceding sections shall be construed to prevent any Court or Magistrate from directing the committal, either for safe custody, or for punishment, of any person whom it may be considered expedient to commit to the common gaol at Barrie, Sault St. Marie or Lindsay.

The three last sections not to prevent committal to certain gaols.

7. The Judge or Junior Judge of the County Court of the County of Simcoe, may, if he thinks fit, at the request of the Stipendiary Magistrate of the District, hold any Division Court in the District of Muskoka, or in the District of Parry Sound, and the Stipendiary Magistrate of either of such Districts, may if he thinks fit, at the request of the Judge or Junior Judge of the said County of Simcoe, hold any Division Court in such County: Every Judge or Stipendiary Magistrate while holding any such Court shall have all the rights, powers and privileges of the officer at whose request he is holding Court.

Holding of Division Courts in Simcoe, Muskoka and Parry Sound.

8. Section seven of the said Act, passed in the thirty-first year of Her Majesty's reign, entitled "An Act to provide for the organization of the Territorial District of Muskoka;" section four

Repeal of 31 V. c. 35, s. 7; 32 V. c. 49, s. 4; 33 V. c. 24, four

ss. 10 & 12; 34
V. c. 4, ss. 10
& 12. and 37
V. c. 65, s. 17.

four of the Act passed in the thirty-second year of Her Majesty's reign, entitled "An Act to make further provisions relating to the Territorial District of Muskoka;" sections ten and twelve of the said Act, passed in the thirty-third year of Her Majesty's reign, entitled "An Act to provide for the organization of the Territorial District of Parry Sound;" sections ten and twelve of the Act passed in the thirty-fourth year of the reign of Her Majesty, entitled "An Act to provide for the organization of the Territorial District of Thunder Bay," and section seventeen of the Act passed in the thirty-seventh year of Her Majesty's reign, entitled "An Act to incorporate the Municipality of Haliburton, and to provide for its becoming a Provisional County," are hereby repealed

Portions of 31
V. c. 35, 33 V.
c. 24, 34 V. c.
4, relating to
Division Court
procedure re-
pealed.

Stipendiary
Magistrate to
be Judge of Di-
vision Courts,
Division Court
procedure in
force in coun-
ties to be appli-
cable except
when inconsis-
tent with this
Act.

9. So much of the said Acts providing for the organization of the said Territorial Districts as makes section fourteen or any of the sections numbered from sixteen to twenty-two, both inclusive, sections numbered twenty-six and twenty-seven or any of the sections numbered from twenty-nine to seventy-three, both inclusive, or any of the sections numbered from seventy-nine to eighty-eight, both inclusive, of "The Act respecting the Administration of Justice in unorganized tracts" applicable to any of the said Districts, is hereby repealed and the following is substituted in each of the said Acts in lieu thereof: "The Stipendiary Magistrate shall act as Division Court Judge of the District and shall have the like jurisdiction and powers as are possessed by the County Court Judges in Division Courts in Counties, and shall perform the like duties; and the provisions of law, from time to time, in force in Ontario, relating to Division Courts in Counties, and the officers thereof, including the rules or forms made or to be made by the Board of County Judges and the fees payable to the Clerks and Bailiffs shall apply to the Division Courts of the said District, except where inconsistent with this Act.

Secs. 16, 22,
26, 27, 29-73
& 79-87. C.
S. U. C. c. 128,
repealed.

Division Court
procedure in
temporary ju-
dicial districts
to be same as
in counties,

10. Sections numbered from sixteen to twenty-two both inclusive, sections numbered twenty-six and twenty-seven, sections numbered from twenty-nine to seventy-three both inclusive, and sections numbered from seventy-nine to eighty-seven both inclusive, of "The Act respecting the Administration of Justice in unorganized tracts," are hereby repealed, and the following is substituted in lieu thereof: "The Stipendiary Magistrate of every Temporary Judicial District shall act as Division Court Judge of the District, and shall have the like jurisdiction and powers as are possessed by County Court Judges in Division Courts in Counties, and shall perform the like duties; and the provisions of law from time to time in force in Ontario, relating to Division Courts in Counties, and the officers thereof, including the rules or forms made or to be made by the Board of County Judges and the fees payable to the Clerks and Bailiffs shall extend to the Division Courts of Temporary Judicial Districts, except where inconsistent with this Act: Provided, that

But 32 V. c.
23, ss. 2-16,
not to apply.

the

the provisions of law authorizing the signing of judgment by default for want of a notice disputing the plaintiff's claim, or authorizing the garnishment of debts or money demands, shall not apply to the said Division Courts.

11. Every security given by any of the officers of a Division Court of any of the said Districts shall, notwithstanding the repeal by this Act of the section under which such security was given, continue in force, as if such section had not been repealed. Security of officers of division courts.

12. The twenty-fourth section of the Act passed in the thirty-ninth year of Her Majesty's reign entitled "An Act to carry into effect certain suggestions made by the Commissioners for consolidating the Statutes and for other amendments of the law" is hereby repealed, and the words "or Stipendiary" by the said last mentioned Act, struck out of section five of the Act entitled "An Act respecting the operation of the Statutes of Ontario," are hereby reinstated in the said section, and so much of the Acts in the eighth section of this Act mentioned as provides that no appeal shall lie from any judgment or decision of the Stipendiary Magistrate is also hereby repealed. 39 V.c. 7, s. 24, repealed.

13. From the judgment of any Stipendiary Magistrate pronounced in any case tried under sections seventy-five, seventy-six, or seventy-seven, of the said "Act respecting the Administration of Justice in unorganized tracts," an appeal shall lie to the Court of Appeal subject to such rules as to security, stay of proceedings, and otherwise, as the said Court may make in respect thereto, and subject until such rules are made, to the like rules, and statutory restrictions as are applicable to appeals from the decision of a Judge of a County Court, provided that the entry of judgment shall not prevent such appeal being had or proceeded with. Appeals from Stipendiary Magistrate.

14. When the mortgagor or bargainor named in any instrument subject to the provisions of chapter forty-five of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Mortgages and Sales of Personal Property," is resident in a Provisional Judicial District, or if such mortgagor or bargainor is not at the time of the execution of such instrument a resident in Ontario, but the personal property mortgaged or sold is within a Provisional Judicial District, then the provisions of the said Act shall apply to such instrument, with the substitution of "the Clerk of the District Court" for "the Clerk of the County Court;" but this enactment shall not apply to any portion of a Territorial District which forms part of a Provisional Judicial District. Registration of chattel mortgages in provisional judicial districts;

2. If the mortgagor or bargainor named in any such instrument is resident in a Territorial District, or if such bargainor or mortgagor is not at the time of the execution of such instrument In territorial districts.

ment a resident in Ontario, but the personal property mortgaged or sold is within a Territorial District, then the provisions of the said Act shall apply to such instrument, with the substitution of "the Clerk of the first Division Court of the District" for "the Clerk of the County Court," and with the substitution of "ten days" for "five days," as the time within which the instrument or a copy thereof shall be registered.

In temporary
judicial dis-
trict of Nipis-
sing.

(3) If the mortgagor or bargainor named in any such instrument is resident in the Temporary Judicial District of Nipissing, or if such bargainor or mortgagor is not at the time of the execution of such instrument a resident in Ontario, but the personal property mortgaged or sold is within the said Temporary Judicial District, then the provisions of the said Act shall apply to such instrument, with the substitution of "the Clerk of the County Court of the County of Renfrew," for "the Clerk of the County Court," and with the substitution of twenty days," for "five days," as the time within which the instrument or a copy thereof shall be registered.

4. Every instrument which has been or may be executed, before the time at which this section goes into effect, and which, had it been executed after such time, would require registration under this section, shall be registered on or before the first day of January next, in the manner required by the provisions of this section, and, thereafter every such instrument which under the provisions of the said Consolidated Statute chapter forty-five requires renewal shall, unless duly renewed, become void in accordance with the provisions of the said Act.

Saving clause.

5. Nothing in this section shall be used to aid in determining whether or not the said Act respecting Mortgages and Sales of Personal Property was, prior to the passing hereof, in force in any Territorial, Temporary Judicial, or Provisional Judicial District; and this section shall not go into force until the first day of July next.

Actions for
causes arising
in Nipissing,
and not within
the jurisdic-
tion of the di-
vision court.

15. When any cause of action wherein the venue is local and which is not within the jurisdiction of the Division Courts of the District, arises in the Temporary Judicial District of Nipissing, the action may be brought and the venue laid in any County or Union of Counties, which adjoins any part of the said District, with the same effect as if the said District of Nipissing was a part of such County or Union of Counties; Provided that the Court or a Judge on the application of either party may order that the trial shall take place in any County other than that in which the venue is laid.

Execution
against goods
in Nipissing to
bind from
seizure.

2. No writ of execution issued against goods and chattels in the said District shall have any force or effect to bind such goods and chattels before actual seizure thereof under such writ, unless such writ be directed and delivered to the Sheriff of the County of Renfrew to be executed, and all writs of execution against lands, or for recovering possession of any lands or tenements, in the said District, shall be directed to the Sheriff of the said County of Renfrew, and every writ of execution
against

against lands or goods directed to the said Sheriff of the County of Renfrew shall bind the goods and lands of the debtor within the said District from the time they are delivered to the said Sheriff to be executed ; and, for the purposes in this sub-section mentioned, the said District shall be part of the bailiwick of the said Sheriff of the County of Renfrew.

CHAP. 25.

An Act to amend the Act entitled “ An Act respecting Municipal Institutions in the Province of Ontario.”

[Assented to 2nd March, 1877.]

WHEREAS it is desirable that the Councils of Cities, Towns and incorporated Villages should have the power to acquire lands situate outside their boundaries for parks, cemeteries and other public purposes ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Council of any City, Town, or incorporated Village may from time to time as occasion may require, acquire and hold by purchase or otherwise, for the public use of the Municipality, lands situate outside the limits of such City, Town, or incorporated Village ; but such lands so acquired, shall not form part of the Municipality of such City, Town, or incorporated Village, but continue and remain as of the Municipality where situate.

Power to cities, towns and incorporated villages to acquire lands outside their limits.

CHAP. 26.

An Act respecting the Drainage of certain Lands by Municipalities, and to amend “ An Act respecting Municipal Institutions in the Province of Ontario.”

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Petitions for draining lands under 36 V. c. 48, in certain cases.

1. Section four hundred and forty-seven of the Act respecting Municipal Institutions in the Province of Ontario, shall extend and apply to cases where the drainage can be effectually accomplished only by embanking, pumping or other mechanical operations, but in such cases the Council shall not proceed except upon the petition of two-thirds of the owners mentioned in the said section.

Injury to low lying lands.

2. In cases provided for by section one of this Act, the Council may pass by-laws for assessing and defraying the annual cost of maintaining the necessary works upon the lands and roads to be benefited thereby, according to provisions of said Act; and may do all things necessary, and pass all requisite and proper by-laws, and enter into all proper contracts for maintaining and giving full effect to said works; and all the provisions of sections four hundred and forty-seven to four hundred and seventy inclusive of said Act, and the amendments thereto, shall be applicable so far as possible to the draining of lands under this Act.

36 V. c. 48 ss. 447-470 to apply.

36 V. c. 48, s. 460, not to apply only during the will of the Council.

3. The provisions of section four hundred and sixty of the said recited Act shall not apply to any of the works mentioned in section one of this Act, except during the pleasure of the Council of the Municipality in which the works are situate.

CHAP. 27.

An Act to amend the Assessment Act of 1869.

[Assented to 2nd March, 1877.]

WHEREAS it is expedient to amend the Assessment Act of 1869, so far as it relates to the performance of statute labour by the volunteer force;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

32 V. c. 36 s. 79 repealed.

Certain persons in military service exempt.

1. Section seventy-nine of said Act is hereby repealed and the following substituted therefor:

(79.) No person in Her Majesty's naval or military service on full pay, or on actual service, shall be liable to perform statute labour or to commute therefor; nor shall any non-commissioned officer or private of the volunteer force, certified by the officer commanding the company, to which such volunteer may belong or be attached as being an efficient volunteer; but this last exemption shall not apply to any volunteer who may be assessed for property.

CHAP.

CHAP. 28.

An Act to further amend the Assessment Acts.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The sub-section numbered three in section one of the Act passed in the thirty-ninth year of Her Majesty's reign, and chaptered thirty-three is hereby repealed, and the following substituted in lieu thereof: 39 V. c. 38,
amended.

3. In Cities, Towns and incorporated Villages, the Council may pass by-laws for making the taxes payable to the Treasurer by instalments; and may in such case impose an additional percentage, now applicable to default of taxes if paid in bulk, to default of any instalments by which the same may be made payable.

CHAP. 29.

An Act to amend the Act respecting Line Fences.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Act respecting Line Fences passed in the thirty-seventh year of Her Majesty's reign and chaptered twenty-five, is hereby amended by adding thereto the following section: 37 V. c. 25
amended.

16. "The owner of the whole or part of a division or line fence which forms part of the fence inclosing the occupied or improved land of another person, shall not take down or remove any part of such fence, Owner of
division fence
which forms
part of another
person's land
not to remove
same except
upon notice,
&c

(a.) Without giving at least six months previous notice of his intention to the owner or occupier of such adjacent enclosure ;

(b.) Nor unless such last mentioned owner or occupier after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum, to be determined as provided in the fifth section of this Act ;

(c.)

(c.) Nor if such owner or occupier will pay to the owner of such fence or of any part thereof, such sum as the fence viewers may award to be paid therefor under the fifth section of this Act."

Provisions of
37 V. c. 25, to
apply to this
Act.

2. The provisions of the said Act for determining disputes between the owner of occupied adjoining lands; the manner of enforcing awards thereunder; appeals therefrom; the Schedules of forms attached thereto, and all other provisions of the said Act, so far as applicable, shall apply to proceedings under the first section of this Act.

CHAP. 30.

An Act to apply the Municipal Law to certain Townships in the District of Nipissing.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Townships of
Hagarty, Sher-
wood, Jones,
Richards,
and Burns,
erected into a
Township cor-
poration.

Townships of
Clara and
Maria to be a
Township
corporation.

First Election.

1. The inhabitants of the Townships of Hagarty, Sherwood, Jones, Richards and Burns, are hereby erected into a Township corporation under the name of "The Corporation of the United Townships of Hagarty, Sherwood, Jones, Richards and Burns."

2. The inhabitants of the Townships of Clara and Maria are hereby erected into a Township corporation by the name of "The Corporation of the United Townships of Clara and Maria."

3. The nominations and polling for the election of the first Council of each of the said Municipalities shall be held at such times and place as the Lieutenant-Governor in Council by his proclamation shall appoint, and the returning officer shall perform the like duties in respect to such election as are performed by Township Clerks at elections in their Municipalities, and shall have authority to do whatever is requisite to the proper holding of the said election, and shall be paid his disbursements and his reasonable charges in that behalf by the corporation of the Municipality."

Lieut.-Governor may annex said municipalities to Renfrew.

4. The Lieutenant-Governor in Council may by proclamation annex either of the said Municipalities, either at the same time or at different times, to the County of Renfrew, and may so annex such Municipality either as a separate Municipality or may

may unite the same to some other incorporated Township or Union of Townships of such County, and annex the same as so united, and thereafter the said Townships so united shall form part of the County of Renfrew for municipal, judicial, and registry purposes.

5. So long as such Townships remain part of the District of Nipissing, the Stipendiary Magistrate of the District shall revise the voters' lists, and the provisions of the Acts relating to voters' lists shall apply to such Townships with the substitution of the Stipendiary Magistrate for the Judge of the County Court where such officer is mentioned or referred to in such Acts. Voters' Lists

6. Until voters' lists can be used for the said Municipalities, the Election Law as applicable to the said Townships, and the right to vote at elections of members of the Legislative Assembly of Ontario, by the inhabitants of the said Townships as now possessed by them, shall remain and be in force as if this Act had not been passed. Qualification of voters.

7. In case the said Townships or any of them should be united to the County of Renfrew, the provisions of the Registry Laws of the Province, relating to the transfer of books, deeds, memorials, plans, wills, or other documents from one registry office to another, where a part of a County is detached therefrom and is attached to another County, for which a separate registry office is kept, shall apply to the territory so annexed, and to the Registrars of Renfrew and Nipissing. Provisions as to registration in case of union with Renfrew.

CHAP. 31.

An Act respecting the Municipality of Shuniah.

[Assented to 2nd March, 1877.]

WHEREAS it is expedient to amend the Acts respecting Preamble.
and for the organization of the Municipality of Shuniah,
to make further provisions for the said Municipality;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In addition to the powers of a Township Council, conferred by the above-mentioned Acts, the said Municipality and the Council thereof shall possess all the rights and powers both of a Township and County Council in all matters respecting public schools, and public roads and bridges. Further powers conferred on Council.

By-laws as to
licenses

2. The Council of the said Municipality shall also have power to pass by-laws for the purpose of—

Auctioneers,
etc.

1. Licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandize, or effects, by public auction, and for fixing the sum to be paid for such license, and the time it shall be in force ;

Hawkers, etc.

2. Licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, who have not become permanent residents in the said Municipality, or who go from place to place, or to other men's houses on foot, or with any animal bearing or drawing any goods, wares, or merchandise, for sale, or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares or merchandize for sale ; and for fixing a sum to be paid for a license for exercising such calling within the said Municipality, and the time such license shall be in force ; and for providing the Clerk of the said Municipality with licenses in this and the previous sub-section mentioned, for sale to parties applying for the same in the Municipality under such regulations as may be prescribed in such by-law ;

Ferries, etc.

3. Licensing and regulating ferries between any two places, within the said Municipality, and establishing the rates of ferriage to be taken thereon ; but no such by-law as to ferries shall have effect until assented to by the Lieutenant-Governor in Council ;

Cabs, etc.

4. Licensing and regulating the owners of livery stables and of horses, cabs, carriages, omnibuses, and other vehicles used or kept for hire ; for establishing the rates of fares to be taken by the owners or drivers thereof, and for enforcing payment of such fares.

37 V. c. 28, to
apply to
Shuniah.

3. The provisions of the Consolidated Public School Act of 1874 shall be held to apply to the Municipality of Shuniah, so far as the circumstances of the case will admit, subject to appeal to the Minister of Education, and

(1.) The Minister of Education shall have authority to decide all cases of appeal in school matters made to him as herein provided ;

(2.) School money raised under the authority of this Act or of the Consolidated Public School Act of 1874 for school purposes shall be expended in the establishment and support of schools within that Township of the Municipality of Shuniah, in which it has been levied and collected ;

(3.) Should no school exist in such Township, the moneys so raised shall be expended in support of the schools in the whole Municipality.

Assessment.

4. The said Council shall, subject to the other provisions of this Act, assess and levy on the whole rateable property within its jurisdiction, a sufficient sum in each year to provide for all expenses of the said Municipality, including moneys required for educational purposes, provided always, that such rate shall not

not, in any one year, exceed an aggregate of two cents in the dollar on the actual value exclusive of school rates, but inclusive of statute labour, and that the rate for school purposes shall not for any one year exceed an aggregate of one-half a cent in the dollar on the actual value of the property assessed.

5. For the purpose of such assessment, no unoccupied mineral locations or unoccupied Township lots shall be assessed at more than one dollar an acre, actual value, even though the said Township lots may have been sub-divided into Village lots; and in the Town plot of Fort William, no unoccupied sub-division lot shall be assessed higher than four dollars for each lot until after the year one thousand eight hundred and seventy-nine.

Assessment of
unoccupied
mineral loca-
tions.

6. Sections two and three of the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered thirty-seven, entitled "An Act relating to the Municipality of Shuniah and the tax imposed on lands in the District of Algoma," are hereby repealed, and the provisions of sections four, five and six, of the said last mentioned Act shall not apply to or affect by-law No. 47 of the said Municipality, entitled "A by-law amending by-law No. 35, and making further provision for a bonus of \$35,000 in aid of a branch railway from Prince Arthur's Landing to the Canada Pacific Railway," nor to the moneys to be raised thereunder, and the said by-law, No. 47, is hereby declared a valid subsisting by-law binding upon the said Municipality.

39 V. c. 37,
sec. 2 & 3, re-
pealed, and sec.
4, 5 and 6 not
to apply.

7. The debentures issued by the said the Municipality of Shuniah under by-laws numbers thirty-five and forty-seven of the said Municipality are hereby declared to be good and valid, and binding upon the said Municipality and the Townships and wards mentioned in the said debentures, and the Council of the said Municipality is hereby empowered to levy and collect taxes for the payment of the said debentures and interest coupons attached thereto at the times mentioned in the said debentures and coupons upon the lands embraced in the said Municipality and the Townships and wards mentioned in the said debentures.

Debentures
valid

8. The Council of the said Municipality is hereby empowered to remit so much of the arrears now owing on account of taxes upon unoccupied lands embraced in the said Municipality as to the said Council may seem meet: Provided that such remission shall in no case exceed fifty per centum of the amount of arrears of taxes now owing; and provided also that no arrears now owing on account of taxes upon any lands embraced in the Village of Prince Arthur's Landing, shall be remitted under this section.

Remission of
arrears of
taxes.

9. Section fifty-nine of the Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty-six, intituled

32 V. c. 36,
Sec. 59,
amended.

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"An

"An Act to amend and consolidate the laws respecting the Assessment of Property in the Province of Ontario," is hereby amended by adding thereto the following words, "except in the Municipality of Shuniah, in which Municipality all the duties of the Court of Revision which relate to the matters aforesaid, shall be completed and the rolls finally revised by the Court before the fifteenth day of July in every year."

32 V. c. 36,
Sec. 63, sub-sec.
1, amended.]

10. Sub-section one of section sixty-three of the said last mentioned Act is hereby amended by adding thereto the following words, "except in the Municipality of Shuniah, in which Municipality the notice shall be given within ten days after the first day of August in every year, and all such appeals in the said Municipality shall be determined before the fifteenth day of September in every year."

CHAP. 32.

An Act respecting the Municipality of Sault Ste. Marie.

[Assented to 2nd March, 1877.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Council of the Municipality of Sault Ste. Marie shall have power to pass by-laws for the purpose of—

Licensing
auctioneers,
etc.

(1) Licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction; and for fixing the sum to be paid for every such license, and the time it shall be in force;

Hawkers and
petty chap-
men.

(2) Licensing, regulating and governing hawkers and petty chapmen, and other persons carrying on petty trades, who have not become permanent residents in the said Municipality, or who go from place to place, or to other men's houses on foot, or with any animal bearing or drawing any goods, wares or merchandise for sale, or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares or merchandise for sale; and for fixing the sum to be paid for a license for exercising such calling within the said Municipality, and the time such license shall be in force; and for providing the Clerk of the said Municipality with licenses in this and the previous sub-section mentioned, for sale to parties applying for the same in the said Municipality, under such regulations as may be prescribed in such by-law;

(3) Licensing and regulating ferries between any two places within the said Municipality, and establishing the rates of ferriage to be taken thereon; but no such by-law as to ferries shall have effect until assented to by the Lieutenant-Governor in Council; Ferries.

(4) Licensing and regulating the owners of livery stables and of horses, cabs, carriages, omnibuses and other vehicles used or kept for hire, for establishing the rates of fares to be taken by the owners or drivers thereof, and for enforcing payment of such fares. Livery stables

2. The assessment roll of said Municipality for the years one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four as finally revised by the Court of Revision shall be, and the same is hereby declared legal, valid and binding. Assessment roll of 1873-4 legalized,

CHAP. 33.

An Act for the Incorporation of the Town of Belleville as a City, and for the Consolidation of the debt thereof.

[Assented to 2nd March, 1877.]

WHEREAS the limits of the Town of Belleville have been extended by proclamation, published in the *Ontario Gazette*; and whereas by petition the Corporation of the said Town of Belleville have represented and shown to the satisfaction of the Legislature of the Province of Ontario, that the said Town including its aforesaid extension, contains at present a population of eleven thousand one hundred and twenty souls, and that owing to the construction of several lines of railway with their several terminuses within the said Town of Belleville, and also to the proposed erection and carrying on of smelting works therein, the same will become a large manufacturing place, and the population thereof is rapidly increasing; and whereas the said Corporation of the Town of Belleville have for some years been separated from the County of Hastings for municipal purposes; and whereas the said Corporation have by their petition also asked and prayed to become incorporated as a City, and also for the right and power to consolidate the debt of the said Town, amounting to two hundred and eighty-one thousand dollars; and whereas the said Town of Belleville have issued debentures to the amount of two hundred and eighty-one thousand dollars, which whole sum remains unpaid and not yet due, but a portion thereof will become due and be payable within a short time; and whereas

Preamble.
by

by petition of the said Corporation permission is also asked to issue new debentures and to borrow money thereon for the purpose of meeting and paying such old debentures as the same may mature, and for such other purposes as are hereinafter mentioned, and whereas it is expedient to grant the prayer of the said petitioners ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Belleville incorporated as a City.

1. On and after the thirty-first day of December next after the passing of this Act, the said Town of Belleville shall be and is hereby incorporated as a City, and shall be known thereafter as the Corporation of the City of Belleville, and as such shall enjoy and possess all the rights, powers and privileges exercised and enjoyed by all cities incorporated in the Province of Ontario.

First Election.

2. For the purpose of holding the first election of Mayor for the said City of Belleville, Robert Newberry of the Town of Belleville, who is now the Clerk thereof, or in case of his death or inability to act, such other person as the Council of the said Town may, by by-law to be passed before the said thirty-first day of December, appoint in his stead, shall be and he is hereby appointed Returning Officer for the holding the first nomination for such election and it shall and may be lawful for the said Returning Officer to hold the same at the City Hall, in the said City of Belleville, at the hour of ten o'clock in the forenoon of the said thirty-first day of December next, and he shall preside thereat ; and the Deputy Returning Officers to be appointed as hereinafter mentioned and directed, shall hold the nominations for Aldermen at twelve o'clock noon of the same day in each ward of the said City, and the said Deputy Returning Officers shall preside at the nomination for Aldermen, or in case of the absence of the said Returning Officer or any of the Deputy Returning Officers, the electors present shall choose from among themselves a chairman to preside at the said nomination or nominations, and such chairman shall have all the powers of a Returning Officer or Deputy Returning Officer, as the case may be, and if a poll be required, the polling for the said election shall take place one week thereafter at the place or places at which the said nominations may have been held.

Deputy Returning officers

3. The Council of the said Town shall, by by-law, appoint for each of the wards into which said City is divided, a Deputy Returning Officer, and such Returning Officer and each of such Deputy Returning Officers, shall, before holding said elections take an oath or affirmation as required by law, and shall respectively be subject to all the provisions of the Municipal Laws of Ontario, applicable to Returning Officers at elections in cities so far as the same do not conflict with this Act, and the said Deputy Returning Officers shall have all the powers and perform

form the several duties devolving on Deputy Returning Officers with respect to municipal elections in cities.

4. The Council of the said City to be elected in manner as Constitution of Council. aforesaid, shall consist of a Mayor, who shall be the head thereof, and three Aldermen for each ward, and they shall be organized as a Council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the second week next following the week of nomination, and subsequent elections shall be held in the same manner as in other cities incorporated as such in the Province of Ontario, and the said Council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the Municipal Institutions Acts in City Councils, and shall be subject to all the liabilities and duties imposed by said municipal laws on such Councils, and all the powers of the Town Council of the Town of Belleville shall continue until the Council for said City is organized.

5. The several persons who shall be elected or appointed under this Act shall take the declaration of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in cities. Council to take oath of office.

6. At the first election of Mayor and Aldermen, the qualifications of the electors and of the Mayor and Aldermen, shall be the same as that required in towns for electors, Mayors, and Councillors respectively; and at all subsequent elections the qualifications of the electors, Mayor, Aldermen, and officers, shall be the same as required in cities; and at such first election the electors shall vote in the several wards as aforesaid. Qualification of electors.

7. The last revised assessment rolls and voters' lists respectively, of the said Town of Belleville, shall be taken to be the roll and voters' lists for any future municipal or parliamentary election in the said City, until a new assessment be made by the said City, and the same be formally revised, and the voters' list thereunder duly completed. Last Assessment Rolls to be used.

8. The property and assets of the Town of Belleville shall belong to the City of Belleville; and all the debts, liabilities, and obligations of the said Town of Belleville, shall be assumed and paid by the Corporation of the City of Belleville. Property of the Town to be that of the City.

9. The provisions of the municipal law relating to matters consequent upon the formation of new municipal corporations, and the other provisions of the municipal law of Ontario, shall, except as herein otherwise provided, apply to the said Corporation of the City of Belleville in the same manner as if the said Town had been erected into a City, under the Act passed in the thirty-sixth year of Her Majesty's reign, entitled, "An Act respecting Municipal Institutions in the Province of Ontario." Municipal Law to apply. 36 V.c. 48.

Corporation
may issue
Debentures.

36 V. c. 48.

Proviso.

10. The Corporation of the Town of Belleville, or of the City of Belleville as the case may be, may pass a by-law or by-laws for the issuing of debentures in such sum or sums and to such amounts, either in Canadian currency or sterling, as they deem meet: Provided that such by-law or by-laws are not inconsistent with the provisions of said Act respecting Municipal Institutions in the Province of Ontario: And provided also, that the said Corporations, or either of them, shall not issue debentures under this Act for more than a sufficient amount to retire debentures previously issued and now unpaid and outstanding; and it shall not be necessary to obtain the assent of the electors of the said Town or City to the passing of any by-law under this section notwithstanding anything contained in said Act respecting Municipal Institutions in the Province of Ontario or any Act amending the same.

Application of
debentures.

11. The proceeds of the debentures to be issued under this Act aforesaid shall be applied in the redemption of the said debentures heretofore issued by the Town of Belleville, and for no other purpose whatever; and any officer of the City applying such proceeds for any other purpose than as herein provided shall be civilly liable for the amount.

Exchange of
debentures.

12. Either of the Corporations aforesaid may, in the same, or in any other by-law or by-laws, authorize the exchange of the debentures to be issued under this Act, for the debentures already issued by the said Town of Belleville, upon such terms as may be agreed upon between the Corporation and the holder of such debentures: Provided always, that such new debentures be not negotiated or exchanged at a lower rate than par.

Collectors roll
1876, declared
valid.

13. The Collector's roll for the year one thousand eight hundred and seventy-six, now in the hands of the Collector for said Town, shall be as valid and binding on all persons concerned as if the same was placed in the hands of said Collector on or before the first day of October prior to the passing of this Act.

Rector of
Belleville.

14. Nothing herein contained shall give the Rector of Belleville any right to a larger share in the distribution of the Rectory funds, than he would have been entitled to, had the said City remained a Town, nor shall he be entitled to the increased sum to which Rectors of Cities are entitled out of such funds, until the said City contains the number of inhabitants which would entitle it to be a City under the Act respecting Municipal Institutions of the Province of Ontario.

CHAP. 34.

An Act to Incorporate the City of Brantford.

[Assented to 2nd March, 1877.]

WHEREAS the Corporation of the Town of Brantford have by their petition represented that, the assent of the electors of the said Town having been obtained thereto, the Council of the said Town have finally passed a by-law of the said Corporation, intituled, "By-law No. 285 : To withdraw the Town of Brantford from the jurisdiction of the Council of the County of Brant," in which County the said Town is situated, pursuant to the statute passed by the Legislature of the Province of Ontario, in the thirty-sixth year of the reign of Her Majesty, Queen Victoria, chapter forty-eight, intituled "An Act respecting Municipal Institutions in the Province of Ontario," and also representing that the said Town contained a population of ten thousand souls, and that its population is rapidly increasing, and that the said Town, by reason of its increased and extensive railway facilities, its large manufacturing and mercantile interests, and its situation in the midst of a rich agricultural district, is now and will continue to be an important commercial centre ; and whereas the said Corporation, by their said petition, have prayed that the said Town might be erected into a City to be called "The City of Brantford ;" and whereas it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. On and after the thirty-first day of May next after the passing of this Act, the said Town shall be erected into a City, to be called "The City of Brantford," and the said City shall have the corporate name of "The Corporation of the City of Brantford," and the said City shall have, possess, and enjoy all the rights, powers and privileges vested in, conferred upon, and enjoyed and exercised by incorporated cities of this Province. And the present Mayor and Council of said Town shall be and continue to be the Mayor and Council of said City, and shall hold office until the election of their successors, as provided by this Act, and shall exercise all the rights and powers, and perform all the duties pertaining to the offices of Mayor and Aldermen respectively of a city, and in the event of death, resignation, or disqualification of said Mayor, or of any member of said Council, a new election shall be held to fill the vacancy under the provisions of the Municipal Act of 1873.

2. The Council of the said City shall consist of a Mayor, who shall be the head thereof, and fifteen Aldermen, three Aldermen

Aldermen being elected for each ward, and at the first election the qualification for the said offices of Mayor and Aldermen, and all other officers of the said City, and of the electors thereof, shall be the same respectively as required in towns.

Returning Officer.

3. James Woodyatt, of the said Town of Brantford, Esquire who is now the Clerk thereof, or, in case of his death or inability to act, such other person as the Council of the said Town may by by-law, to be passed before the thirty-first day of December next, appoint in his stead, is hereby appointed the Returning Officer for the purpose of holding the nomination for the first election of Mayor, and it shall be lawful for and incumbent upon the Returning Officer to hold such nomination at the City Hall, in the said City of Brantford, at the hour of ten o'clock in the forenoon of the said thirty-first day of December.

Power of Returning Officer.

4. The said Returning Officer shall have all the powers and perform all the duties of Clerk of the said City, until the appointment by the Council thereof of some other person in his place and stead.

Deputy-Returning Officers.

5. The Council of the said City shall have power by by-law to be passed before the said thirty-first day of December, to appoint a Deputy Returning Officer for each of the several polling sub-divisions of the said City, each of whom shall have all the powers and perform all the duties of Deputy Returning Officers in Municipal elections for cities, and also by by-law, to be passed within the time aforesaid, to name the places in each of the several wards at which the nominations of Aldermen and election of Mayor and Aldermen shall be held in case a poll be required.

First election.

6. The said nominations for Aldermen shall be held on the said thirty-first day of December, at noon, and if a poll be required, the same shall be opened on the same day of the following week, and the nominations and elections of Mayor and Aldermen shall, except in so far as is herein otherwise provided, be conducted and regulated in the same manner as such nominations and elections are conducted and regulated in municipal elections for cities.

Last Assessment Roll to be used.

7. The last revised assessment roll and voter's list of the said Town shall be taken to be the roll and voter's list for any future election either to the Municipal Council or to the Legislative Assembly in the said City until another assessment shall be made and the roll thereof shall be revised, and the voter's list thereunder shall be duly made and completed.

First meeting of Council.

8. The said Returning Officer shall call together the members of the said Council, for the purpose of being organized as a Council, two weeks after the said nomination, or, in case of

a poll or polls having been opened, two weeks after the election; such meeting to be held in the City Hall.

9. The property, assets, debts, liabilities, and obligations of the said Town of Brantford shall belong to, and be assumed and paid by the Corporation of the said City of Brantford, and the officers and servants of the said Town of Brantford shall, until superseded in or removed from office by the said City Council, remain the officers and servants of the said City of Brantford. Property, &c.,
of the Town.

10. It shall be lawful for the said Corporation of the said Town or of said City after the removal of all of the bodies interred in the present Cemetery, owned by said Town, known as "Mount Hope Cemetery," situate in the Township of Brantford, and purchased by said Town from Joseph D. Clement, and of the head-stones and monuments erected over such remains, to another Cemetery which they may or shall purchase as a new Cemetery or which may be purchased by any company with the consent of said City in lieu of the said Mount Hope Cemetery, to sell, dispose of, and convey the said Mount Hope Cemetery, by public auction or by private sale, and for cash or upon time, or partly for cash and partly on time; and such Corporation may take, accept, have and hold any mortgage or other security for any balance of such purchase money: Provided always, that in case of such purchase of a new Cemetery and of such removal as aforesaid, persons owning plots in the present Mount Hope Cemetery shall be entitled to plots of like size and, as near as may be, similar as to location in such new Cemetery, and in case of dispute, as to the location of such new lot, the same shall be determined by the Judge of the County Court of the County of Brant for the time being, whose decision shall be final. In the event of said City arranging with a company for the purchase by such company of such new Cemetery, the said Corporation may grant to said company as a bonus the proceeds of said Mount Hope Cemetery, or the securities therefor held by them or any part thereof, upon such terms as may be agreed upon by the Corporation and company Removal of
bodies from
cemetery,

11. The said Corporation, its successors and assigns, is and are hereby authorized and empowered forthwith, after giving notice as hereinafter mentioned, to remove from the said Mount Hope Cemetery all the remains of the dead therein interred to such other new Cemetery as shall be purchased by said Corporation or its successors, at the sole expense, charge, and cost of such Corporation or its successors, and to re-inter such remains decently and in order, and to erect any monument, or monuments, head-stone or head-stones erected in Mount Hope Cemetery at the time of such removal, and so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment. Expense of re-
moval of the
bodies.

Notice of removal of the bodies.

12. The said Corporation and their successors shall, before removing the remains of the dead as aforesaid, during the period of one month publish a notice once in each week in each of the newspapers published in the said Town or City, stating their intention to remove the said remains after a day to be named in the said notice, which day shall not be less than six weeks after the first publication of the said notice, and no further or other notice to the friends or relatives of the deceased shall be necessary.

Police Force.

13. Notwithstanding any statute to the contrary, the said City Council shall have power to organize or continue a Police Force, and to regulate and control the same, and the members thereof, and to fix the salary and allowances of the said members, and in the said City the provisions of the said Municipal Act respecting Police Commissioners, shall not apply, or be of any effect, unless, and until adopted by by-law of the said City Council. But this section shall not apply, or have any force or effect after it shall appear from any general census or from any census which may be taken by the Assessor or under a by-law of the Municipality that said City contains twelve thousand inhabitants or more.

Municipal Act to apply.

14 All the provisions of the said Municipal Act generally as therein in force, so far as the same relate to cities, and so far as the same are not inconsistent with the express provisions of this Act, shall, upon, from and after the said thirty-first day of May, extend and apply to the said City of Brantford in as full, ample, and complete a manner as if the same had been herein expressly enacted.

Arbitration.

15. In the event of the arbitration between the said Town and the County of Brant, and the award to be made therein being unfinished on the said thirty-first day of May next, the same shall proceed to completion between the said City and County, in the manner provided by the Act entitled "An Act respecting Municipal Institutions in the Province of Ontario," and without again submitting the question of separation from the County to the ratepayers of said City.

CHAP. 35.

An Act to extend and define the Limits of the Town of Orillia.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the Council of the Town of Orillia, in the County of Simcoe, and the inhabitants of adjacent territory included within the boundaries hereinafter mentioned, have

have, by their petitions, represented that the extension of the present limits of said Town by the addition of the hereinafter mentioned adjacent portion of the Township of South Orillia would promote its future progress and prosperity, and enable its inhabitants to carry out improvements they are desirous of making on said territory, and whereas it is expedient to grant the prayer of the said petitions:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That portion of the Township of South Orillia lying to the south and east of the said Town of Orillia, not already included within the limits of the said Town, and which includes the south half of the west half of lot number ten, and the east half of lot number ten, and the east and west halves of lot number eleven, and broken front lot number twelve, and the east and west halves of lots number thirteen and fourteen in the fifth concession, and the west halves of lots numbers nine, ten, eleven, twelve, thirteen, and fourteen, and the east halves of lots numbers eleven, twelve, and thirteen in the sixth concession, and lots numbers nine, ten, eleven, twelve, and thirteen in the seventh concession of said Township, and which parcels of land are butted and bounded on the west by the road allowance between concessions four and five, on the south by Lake Simcoe, on the east by narrows between Lakes Simcoe and Couchiching, on the north by Lake Couchiching and the line between lots nine and ten across the east half of the fifth concession, and thence southerly along the centre line of said fifth concession to the line between the north and south halves of the west half of said lot ten, thence westerly along the said line to the road allowance between concessions four and five, which forms the westerly limit of said proposed addition shall from and after the first day of June, in the year of our Lord one thousand eight hundred and seventy-seven, be added to the limits, and form part of the said Town of Orillia, subject to the same provisions of law as if such additions had been made under the provisions of "The Act respecting Municipal Institutions in the Province of Ontario," and amendments thereto, except in so far as the same are inconsistent with the provisions of this Act.

Lots in South Orillia to form part of Town of Orillia.

2. At the first election of a Municipal Council held under this Act, the qualification of the electors whose names appear upon the assessment roll for said added territory, shall be the same as that required in Townships; and at all subsequent elections the qualifications of electors and of the members of the Council and other officers shall be the same as that required in incorporated Towns.

Qualification of Electors.

3. The Clerk of the United Townships of Orillia and Matchedash, shall, upon demand made upon him by an officer of the said Town

Clerk of Township to furnish certificates.

Town

Town, at once furnish such officer with a duly certified copy of so much of the last revised assessment roll for the said Township as relates to the said territory, or as may be required to ascertain the persons entitled to vote at the first election in said Town after the said first day of June ; or with the Collector's roll, or other documents or writings that may be required for that purpose.

Expenses of
Act to be
borne by Town.

4. The expenses incurred to obtain this Act shall be borne and paid by the said Town Council out of the Corporation moneys.

Vote to be
taken before
Act to take
effect.

5. This Act shall not come into operation unless and until the said extension of the limits of the Town of Orillia shall be sanctioned by a majority of the ratepayers of the aforesaid portions of the Township of South Orillia, who shall vote upon the said question at a vote to be taken in the following manner, praying that such vote may be taken :

(1.) Upon a petition, praying that such vote may be taken, signed by at least ten of the ratepayers of the said portions of the said Townships to be so annexed, and being presented to the Reeve of the United Townships of Orillia and Matchedash, it shall be the duty of the said Reeve forthwith to call together the Council of said Townships, who shall, without delay, pass a by-law fixing a time and place within the said territory to be annexed as aforesaid, and appointing the Returning Officer for the taking of said vote and regulating the manner of taking thereof ; and the Returning Officer shall record the names of those ratepayers who vote either for or against the said annexation to the Town of Orillia, as the case may be.

(2.) Notice of the time and place for taking such vote shall be given by the publication thereof for two weeks in some newspaper published in the Town of Orillia.

(3.) In case the said Council of the said Township shall fail or neglect to pass such by-law within three weeks after a petition shall have been presented to the said Reeve as aforesaid, then it shall be the duty of the said Reeve himself to appoint such time and place and Returning Officer to take said vote and to give notice thereof as aforesaid.

(4.) All expenses connected with the passing of the said by-law and the taking of said vote shall be payable by the Corporation of the Town of Orillia.

CHAP. 36.

An Act respecting the Village of Port Elgin.

[Assented to 2nd March, 1877.]

WHEREAS the Corporation of the Village of Port Elgin Preamble.
in the County of Bruce have, by their petition, represented that certain squares and public reserves in the said Village are not required for any public use or purpose, and that their sale and the appropriation of the proceeds of such sale as hereinafter set forth, would be greatly to the advantage of the inhabitants of the said Village; and whereas it is expedient to grant the prayer of the petitioners;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Village of Port Elgin in the County of Bruce, shall have the same power as any subject of Her Majesty has, in regard to land possessed by him in fee simple absolute, to sell, convey and dispose of in fee simple absolute, all the squares and public reserves in the said Village of Port Elgin, save and except the square bounded by Albert, Victoria, Mill and Green Streets, and the public reserve bounded by Bricker, Catherine, Goderich and Eugenia Streets, and that portion of the public reserve crossing Market Street, and lying and being south of the northern boundary of the said street, freed and exonerated from any trust or purposes whatsoever, for which the same may be now held: Provided always, that the powers hereby conferred shall not be exercised without first obtaining the written consent of the person or persons by whom such squares and public reserves were dedicated for the use of the inhabitants of the said Municipality, his or their heirs or assigns. The Corporation may sell certain lands.

2. Every sale or contract in regard to the said lands, or any part thereof, shall be under the seal of the said Corporation, and signed by the Head and the Clerk thereof for the time being. Sale to be under seal.

3. The proceeds of every such sale by the said Corporation of the said lands under this Act, after deducting the costs, charges, and expenses attending such sale, and of procuring the passing of this Act, shall be held and applied by it, in fully finishing and completing the Town Hall in the said Village, and aiding the Board of School Trustees for the time being of the said Village in purchasing a site for and erecting such school buildings as the said Board of School Trustees may require to have built: Provided always, that before the said lands or any portion thereof shall be sold or disposed of, the said Corporation shall submit, before its final passing, a by-law for the consent thereto of the municipal electors of the said Village in the manner provided by law in cases of by-laws of Municipal Councils requiring the assent of the electors of the Municipality. Disposal of proceeds of sale.

CHAP.

CHAP. 37.

An Act to amend the Water Works Acts of the City of Ottawa.

[Assented to 2nd March, 1877.]

Preamble.

35 V. c. 80.

37 V. c. 76.

WHEREAS the Corporation of the City of Ottawa and the Water Commissioners for the said City have by their petition represented that the moneys raised under the by-law of the Corporation of the City of Ottawa, under the authority of the Act of the Legislature of this Province, passed in the thirty-fifth year of the reign of Her present Majesty, intituled, "An Act for the construction of Water Works for the City of Ottawa," and the Act amending the same, and under another by-law of the said Corporation of the City of Ottawa under the authority of the Act of this Province, passed in the thirty-seventh year of the reign of Her present Majesty, intituled, "An Act to enable the Corporation of the City of Ottawa to issue debentures for a further sum of money to complete the construction of the Water Works for the City of Ottawa," is not sufficient to complete the said Water Works, and that a further sum of money will be required for that purpose, and they have prayed that an Act of the Legislature may be passed to enable the Corporation of the City of Ottawa to pass a by-law and issue debentures of the said Corporation of the City of Ottawa for the further sum of one hundred thousand dollars to enable the said Water Commissioners to proceed with the construction of the said Water Works and continue the same to completion; and that the said first mentioned Act should be further amended as hereinafter is contained; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation of
Ottawa may
issue debentures to the
amount of
\$100,000.

1. For the purpose of enabling the Corporation of the City of Ottawa to raise the necessary funds for continuing the construction and completion of the Water Works by the said Acts authorized to be constructed, and for paying the interest on the debentures hereinafter mentioned, during the progress, and until the completion of the Works, and the expenses attendant on or incurred in connection with the same, the Corporation of the City of Ottawa may pass a by-law to authorize the issue of and may thereunder issue debentures of the City of Ottawa for a sum of money not exceeding in the whole one hundred thousand dollars, in a sum or sums not less than one hundred dollars or twenty pounds sterling each, as shall to the Corporation of the City of Ottawa seem expedient, which debentures shall be made payable either in sterling money of Great Britain, or in Canadian currency, as to the Corporation

Corporation of the City of Ottawa shall seem meet; which debentures shall state that they are issued under the authority of this Act, citing the chapter and title of the same, and they shall be numbered from number one consecutively upwards, and shall bear date on some day to be named in the by-law authorizing the issue thereof, and shall bear interest as hereinafter mentioned, and the whole of the said debentures shall be made payable at the end of thirty years after the date thereof and shall all bear date the same day; such debentures shall bear interest at the rate of six per centum per annum, and the debentures shall be signed by the Mayor and Treasurer for the time being of the City of Ottawa, and shall have the seal of the Corporation of the City of Ottawa affixed thereto, and the same shall be made payable at any place in the Province or in the United Kingdom of Great Britain and Ireland, as to the Corporation of the City of Ottawa shall seem expedient; and to each of such debentures shall be attached coupons or warrants for the payment of the interest at the rate hereinbefore mentioned, which shall be signed by the City Treasurer, or his name may be impressed on the said coupons by machinery provided for that purpose by and with the authority of the Corporation of the City of Ottawa; and such debentures shall be negotiated by such person or persons bodies politic or corporate as the Corporation of the City of Ottawa shall by by-law authorize and appoint to negotiate the same: *Provided* always, that it shall not be necessary that the said debentures or the said coupons or warrants shall be made payable at any chartered bank, or that such debentures or any of them shall be deposited in or negotiated through any chartered bank: *Provided* also, that the said Corporation of the City of Ottawa or any person or persons, bodies politic or corporate, by the said Corporation by by-law duly authorized to that effect, shall likewise have power to raise money for the purposes in this section, and in the said Act for the construction of the said Water Works, and the Act amending the same mentioned, on the security, pledge and deposit of the said debentures or any portion of them pending the negotiation thereof, and may also redeem the same.

2. In respect of the by-law hereinbefore authorized to be passed, it shall not be necessary for the said Corporation of the City of Ottawa to order by the said by-law any special or other rate per annum, to be settled or imposed or levied in each or any year to pay the principal money and interest on such debentures; nor shall it be necessary to obtain the consent or approval of the Lieutenant-Governor of the Province before contracting the said debt, or before or after the passing of the said by-law: And the said by-law and the debentures to be issued thereunder shall be valid and effectual and binding to all intents and purposes whatsoever, on the Corporation of the City of Ottawa, notwithstanding that the provisions of the municipal laws or any Act or Acts in that behalf have

Certain formalities with respect to the by-law dispensed with;

not

But to be
assented to by
the Electors.

not been complied with, and no irregularity in form of the said by-law or of the debentures to be issued under the same shall render the said by-law or the said debentures invalid, or be alleged or be allowed as a defence to any action or proceeding brought against the said Corporation for the recovery of the amount of the said debentures or any part thereof, or the principal money thereon or any part thereof: Provided however, that the said by-law shall before the final passing thereof receive the assent of the electors of the City of Ottawa duly qualified to vote in respect of by-laws creating debts and requiring the assent of the electors under the Municipal Institutions Act for the Province of Ontario, intituled "An Act respecting Municipal Institutions in the Province of Ontario," and that such assent shall be obtained and all proceedings taken in the premises provided for by sections two hundred and thirty-one, two hundred and thirty-two, two hundred and thirty-three, two hundred and thirty-four, two hundred and thirty-five, and two hundred and thirty-six of the said last mentioned Act and by the Act passed in the thirty-ninth year of Her Majesty's reign and chaptered thirty-five all which provisions shall be applicable to the said by-law as fully and effectually to all intents and purposes as if the same were incorporated into this Act.

Interest and
Sinking Fund.

3. The Water Commissioners for the City of Ottawa shall, after the completion of the Water Works, raise annually from the water rates and with the authority conferred upon them in and by the Act of the Legislature of this Province, firstly hereinbefore referred to, and the Act amending the same, a sum of money sufficient to pay the interest semi-annually on the days appointed for the payment thereof, upon the principal money of the said debentures; and shall also raise annually a further sum sufficient to form a sinking fund, to pay off the principal money when the same shall become payable; such sums to be in addition to the moneys required to be raised to pay off the Water Works debentures already issued by the Corporation of the City of Ottawa, under the Acts hereinbefore referred to; and the Corporation of the City of Ottawa shall pay the principal moneys and interest on the said debentures, as the same shall from time to time fall due.

If Commis-
sioners fail to
pay interest on
debentures,
Corporation
may levy
special rate.

4. If the Water Commissioners for the City of Ottawa shall at any time fail to pay over to the Corporation of the City of Ottawa the sums of money from time to time necessary for the payment of interest on the said debentures or any part of them or to pay over to the said Corporation of the City of Ottawa, after the completion of the said Works, the said interest, and as well also on or before the first day of January in each year during the said term of thirty years, such sum of money as may be found from time to time necessary and requisite for a sinking fund as herein mentioned, it shall be the duty of the Corporation of the City of Ottawa, and they are hereby

hereby authorized and required when and as often as the same may occur, forthwith to settle, impose, levy and collect an equal special rate upon all the assessable property of the City of Ottawa in the manner and with the like powers as shall exist in respect to municipal assessments, rates and taxes, and from the proceeds thereof to pay and discharge all sums of money for interest or principal which shall or may be due or accruing due as aforesaid.

5. Nothing in this Act contained shall extend, or be construed to extend to diminish the power and authority of the Corporation of the City of Ottawa hereafter to borrow on the credit of the said City for the general uses and purposes of the said City, as fully and effectually as if the said City was not indebted for the building of the said Water Works, or that debentures had not been issued by the said City for the amount, or as if this Act had not been passed, any Act, statute or law or provision thereof to the contrary notwithstanding.

Act not to limit the borrowing powers of the Corporation.

6. The Corporation of the City of Ottawa shall from time to time invest any moneys in their hands at the credit of the Sinking Fund Account, and the accruing interest thereon, in Government securities or otherwise as the Lieutenant-Governor in Council may limit.

Investment of Sinking Fund.

7. The said Water Works to be erected and constructed under the said Act, intituled "An Act for the construction of Water Works for the City of Ottawa," and the Acts amending the same and also the land to be acquired for the purposes thereof and everything therewith connected shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation of the City of Ottawa under the powers conferred upon them by this Act, as well as for the due and punctual payment of the interest thereon; and all and every of the holders of the debentures issued under the authority conferred by this Act shall, subject to the charge thereon in favour of the holders of the debentures issued under the said Act for the construction of Water Works for the City of Ottawa, and the Act amending the same, have a preferential pledge, mortgage, hypothec, or privilege on the said lands, water works and property appertaining thereto, for securing the payment of the said debentures and the interest thereon.

Water Works property to be charged, &c., for payment of the debentures.

CHAP. 38.

An Act to provide for the erection of a Court House
in the City of Hamilton.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS it has become expedient and necessary that a new Court House with proper and suitable rooms, offices and accommodation therein should be erected in the City of Hamilton, and the Corporations of the County of Wentworth and of the City of Hamilton, have mutually agreed upon the erection of such Court House, and upon the share or proportion to be borne by the said Corporations respectively, of the charges and expenses which may be incurred of erecting and building the same in accordance with the provisions of the three hundred and sixty-third section of the Act respecting Municipal Institutions in the Province of Ontario, and for the issuing of debentures for raising the amount which may be necessary for the building, completing and furnishing of such Court House, rooms and offices, and in order to authorize the issuing of such debentures and the levying of the rates which will be necessary for the payment thereof, the said Corporations have petitioned that the agreement so entered into between them be confirmed and be declared to be binding on the said Corporations respectively, and it is expedient to grant the prayer of said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement between County of Wentworth and City of Hamilton confirmed.

1. The agreement set forth in the Schedule hereunder written is hereby confirmed and declared to be binding on the said Corporations respectively; and the Corporation of the County of Wentworth is hereby authorized to issue debentures for such amount as may be necessary for carrying out the objects of said agreement, the payment of the principal of such debentures to extend over a period of twenty years from the date thereof, and the interest thereon at the rate of six per cent. per annum, to be payable half-yearly, but such debentures may be made payable at such dates respectively as will provide for the annual payment of a portion thereof commencing at the expiration of the first five years of the said period of twenty years, in such manner as the Council of the said County may determine, and such debentures issued under the seal of the County signed by the Warden and countersigned by the Treasurer shall be valid and binding, and no purchaser or holder thereof shall be bound to inquire into the necessity for, or the amount of the expenditure for payment whereof such debentures shall be issued.

2. The Corporations of the County of Wentworth and City of Hamilton are hereby respectively authorized and required to levy in each year a special rate sufficient to make the annual payment of principal and interest which they have by the agreement set forth in the Schedule hereunder written, respectively agreed to contribute and pay for the purposes aforesaid, and the proportion payable by the City of Hamilton shall be paid over to the County of Wentworth by the Corporation of the said City in the manner and at the times provided in said agreement, but the County of Wentworth shall in any event be liable to the holders of the debentures aforesaid for the principal and interest thereby secured.

3. The County of Wentworth shall from time to time during the first five years of the period of twenty years over which such debentures shall extend, invest at interest the proportion of the principal money received from the City of Hamilton under the agreement aforesaid and not actually applied to the redemption of debentures, and also the interest to be derived therefrom, so that the City shall have the benefit of such accruing interest in the adjustment at the expiration of said five years of the interest account between said County and City mentioned in said agreement.

SCHEDULE.

Articles of Agreement made this nineteenth day of February one thousand eight hundred and seventy-seven,

Between the Corporation of the County of Wentworth hereinafter called the County of the first part, and

The Corporation of the City of Hamilton, hereinafter called the City of the second part:

Whereas it is expedient and necessary that a new Court House for the said County and City should forthwith be built, with proper rooms, offices and accommodation therein for the convenient transaction of the business of the Courts and other public business of the said County, including a Council Chamber for the County, and such suitable rooms, offices and accommodation for the use of the said City as the Councils of said County and City shall mutually agree upon, and the Joint Committee on Gaol and Court House of the said County and City on the twenty-fifth day of January last passed a resolution in the words following, namely: "That this Joint Committee recommend to their respective Councils that the new Court House in and for the County of Wentworth and the City of Hamilton be erected at the joint expense of the said County and City, and that the cost and expense of the said erection be borne by the said Corporations in the following proportions, viz: Sixty per cent. of the said cost and expense by the Municipality

pality of the City of Hamilton, and forty per cent. thereof by the Municipality of the said County of Wentworth, and that in the event of the said County raising the total funds necessary for the erection of said Court House, by debentures or otherwise, that the Corporation of the City of Hamilton do enter into an agreement to pay to the said County their said proportion of such cost and expense with interest as the said debentures shall fall due, and that in the event of any portion of the said building being occupied exclusively for offices of the employees of either of the said Municipalities, each of such Municipalities shall contribute the additional cost necessarily incurred in providing such accommodation, and that the plan submitted by Mr. C. W. Mulligan, be recommended for adoption, with such alterations and changes as the Joint Committee or their respective Councils may hereafter deem advisable and proper to be made in the same," which resolution has been adopted and confirmed by the Councils of the said County and City respectively.

Now this agreement witnesseth that the said County and City do hereby agree that in pursuance of the said resolution they will proceed forthwith with the building of a new Court House for the said County and City, upon the site of the present Court House and County Buildings, with proper rooms, offices, and accommodation therein, for the convenient transaction of the business of the Courts, and other public business of the said County, including a Council Chamber for the County and such suitable rooms, offices, and accommodation for the use of the said City as the Councils of the said County and City shall mutually agree upon.

And the County do hereby agree that they will in the first place raise and pay all sums of money which may be necessary for the building, completing and furnishing of the said Court House, rooms, and offices, save and except for the building and furnishing of such rooms and offices as may be built or used exclusively for the City, and that the sums requisite for the purposes aforesaid shall be raised by debentures extending over a period of twenty years from the date thereof, but such debentures may be made payable at such dates respectively as will provide for the annual payment of a portion thereof, commencing at the expiration of the first five years of the said period of twenty years, in such manner as the Council of the said County may determine.

And the City hereby agree that they will pay to the County sixty per cent. of the cost and expense of the building, completing, and furnishing of the said Court House, and of the rooms, offices and accommodation provided therein for the convenient transaction of the business of the Courts, and will pay to the said County the entire cost of any portions of the said building which may be built exclusively for the use of the City, such payments to be made in equal annual instalments of the principal money extending over the said period of twenty years, and in equal half-yearly payments of the interest at the rate

rate of six per cent. per annum upon such portion of the principal money payable by the City as may from time to time remain unpaid; provided, nevertheless, that an interest account shall be kept during the first five years of the twenty years over which said debentures shall extend, and that the interest payable during such five years shall be adjusted between the said City and County according to the shares they are respectively to contribute to the payment of the principal, and that each shall bear and pay its proper proportion of the interest actually paid by the County during such five years upon the moneys raised for the purposes aforesaid.

And the County hereby agree that they will pay the entire cost of building, completing and furnishing, such portions of said building as may be built exclusively for the use of the County.

And it is hereby agreed that any loss, commission or expenses which may be paid or incurred in the sale of said debentures, shall be reckoned as part of the cost of said building and shall be chargeable as part of the principal sum, in the several proportions in which said principal sum shall be payable, and that any premium obtained upon the sale of such debentures shall be distributed in like manner.

And it is further agreed that if any dispute shall arise between said County and City, with respect to the matters hereinbefore mentioned, the same shall from time to time be referred to arbitration, in manner provided by the Municipal Institutions Act, unless the said County and City shall from time to time otherwise mutually agree.

And it is hereby lastly agreed that the said County and City shall join in a petition to the Legislature asking that this agreement be confirmed, and be declared to be binding on the said Corporations respectively, and that the said County be authorized to issue debentures for such amount as may be necessary for carrying out the objects of this agreement, the payment of the principal of such debentures to extend over a period of twenty years from the date thereof, and the interest thereon, at the rate of six per cent. per annum, to be payable half yearly, but that such debentures may be made payable at such dates respectively as will provide for the annual payment of a portion thereof, commencing at the expiration of the first five years of the said period of twenty years, in such manner as the Council of the said County may determine, and that such debentures, issued under the seal of the County, signed by the Warden, and countersigned by the Treasurer, shall be valid and binding, and that no purchaser or holder thereof shall be bound to inquire into the necessity for, or the amount of the expenditure for payment whereof such debentures shall be issued, and that such County and City be respectively authorized and required to levy in each year, a special rate sufficient to make the annual payment of principal and interest, which they have hereby respectively agreed to contribute and pay for the purposes aforesaid, and that the proportion payable by the City shall

shall be by them paid over to the County, in manner and at the times hereinbefore provided, and that the County shall in any event be liable to the holders of said debentures for the principal and interest, thereby secured, and shall from time to time during the first five years of the said period of twenty years, invest at interest the proportion of the principal money received from the City and not actually applied to the redemption of debentures, and also the interest to be derived therefrom, so that the City shall have the benefit of such accruing interest in the adjustment at the expiration of said five years of the interest account between said County and City hereinbefore mentioned.

In witness whereof the said Corporations have hereunto affixed their respective corporate seals the day and year first above written.

THOMAS STOCK, { Seal of County }
 Warden. { of Wentworth. }

F. E. KILVERT, { Seal of City }
 Mayor. { of Hamilton. }

CHAP. 39.

An Act respecting the City of Toronto, the Toronto Water Works and other matters.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the Corporation of the City of Toronto have by their petitions prayed that certain amendments may be made to the Municipal Institutions Act, and to the Acts relating to the Toronto Water Works; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

36 V. c. 48,
 sec. 447,
 amended.

1. The four hundred and forty-seventh section of the Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered forty-eight, is hereby amended so far as the same relates to the City of Toronto, by inserting after the words "describing it" in the sixth line thereof, the words "or where, in the opinion of the Council, it is necessary for sanitary or drainage purposes."

36 V. c. 48,
 sec. 464, sub-
 sec. 2,
 amended.

2. The four hundred and sixty-fourth section of the said recited Act is hereby amended so far as the same relates to the City of Toronto, by inserting after the words "owners of such real property," in the eighth line of sub-section two thereof, the words

words, "or where the same is in the opinion of the said Council necessary for sanitary or drainage purposes."

3. Section four hundred and sixty-five of the said recited Act is amended so far as the same relates to the City of Toronto, by inserting after the words "in that behalf," occurring in the ninth and tenth lines thereof, the words following "or except where the same is in the opinion of the said Council necessary for sanitary or drainage purposes." Sec. 466,
amended.

4. Section four hundred and sixty-six of the said recited Act is amended by inserting after the word "unless," in the eighth line of the said section, the words following "in any case where such local improvement as aforesaid is in the opinion of the said Council necessary for sanitary or drainage purposes." Sec. 466,
amended.

5. The Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered seventy-nine, is amended by repealing the eighteenth section and substituting in lieu thereof the following :— 35 V. c. 79 s.
18 repealed.

18. In all cases where a vacant space intervenes between the outer line of street and the wall of the building into which the water is to be taken, the Water Works Commission may with the consent of the owner lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the Engineer of the said Commission. Laying service
pipes.

(2.) The expense incidental to the laying of such service pipes if laid by the Commission or of superintending the laying of the same if laid by any other person, shall be payable on demand to the said Commission, or if not so paid, may be collected forthwith in the same manner as water rates: Provided that in any one case the said expense of superintending the laying of such service, if laid by any other person as aforesaid, shall not exceed one dollar. Expense of
laying service
pipes by whom
to be borne.

6. Section twenty-two of the said recited Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine, is hereby amended by adding thereto the words "and also at the same hours and with the like notice to enter into and upon the lands and houses of any person or corporation for the purpose of erecting water meters therein, and for the purpose of inspecting or altering the same." 35 V. c. 79 s.
22 amended.

7. The Act passed in the thirty-ninth year of Her Majesty's reign, chaptered sixty-four, is amended by striking out the words "thirty-first day of December," in the fourth section of the said Act, where the same last occur therein, and substituting the words following, "thirtieth day of November." 39 V. c. 64, s.
4 amended.

39 V. c. 64, s.
6 amended.

8. The sixth section of the said Act passed in the thirty-ninth year of Her Majesty's reign, chaptered sixty-four, is amended by substituting for the words "with the first payment of water, rent, or rates and" in the eighth and ninth lines of the said section, the words following, "to the Commission on demand and if not so paid."

35 V. c. 79, s.
11 amended.
Power to
enter houses in
order to place
meters, con-
ferred.

9. In addition to the powers conferred by the eleventh section of the said Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine, the Water Works Commission for the City of Toronto are empowered at proper hours of the day and upon reasonable notice given and request made by them for that purpose, to place meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose or for the purpose of protecting or of regulating the use of any such meter to set or alter the position of the same or of any pipe connection or tap, and to fix the price to be paid for the use of any such meter, and the times when and the manner in which the same shall be payable, and also to charge for and recover the expenses of such alterations; and such price and the expense of such alterations may be collected in the same manner as water rates.

Penalty on al-
tering meters.

10. Any person who shall wilfully alter any meter placed as in the last section mentioned, so as to lessen or alter the amount of water registered thereby or so as to cause the quantity registered or used to be falsely indicated, shall incur a penalty of not less than five dollars nor more than one hundred dollars, to be recovered with full costs on summary conviction before any Justice of the Peace for the City of Toronto or for the County of York, and in case such penalty and costs are not paid forthwith, the Justice may commit the offender to the common gaol of the County of York for any period not exceeding thirty days, unless the said penalty and costs are sooner paid.

City may as-
sume lands of
Water Works
Commission for
city purposes.

11. The Corporation of the City of Toronto may at any time within three months after the passing of this Act upon paying to the said Water Works Commission the sum of sixty seven thousand five hundred dollars, assume and acquire for the general purposes of the said Corporation, all the lands purchased for the said Water Works from the City of Toronto Water Company and the Furness family, excepting the Phoebe Street property, and excepting such portions of the said lands as have been heretofore sold and conveyed, and thereupon such lands so assumed and acquired shall be and remain vested in the said Corporation of the City of Toronto free from all rights and claims of the said Water Works Commission and free from any mortgage or lien created by any of the Acts relating to the said Water Works.

12. If the said Corporation of the City of Toronto do not assume and acquire the said land for general purposes and pay the said amount to the Water Works Commission as provided in the last preceding section hereof, then it shall be the duty of the said Corporation of the City of Toronto to sell and convey the said lands or portions thereof from time to time under and pursuant to the provisions of the tenth section of the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered seventy-five, whensoever they shall be required by the said Water Works Commission to do so, and to such persons for such prices and upon such terms as the said Water Works Commission shall require, unless and except in the case of any such sale so required as aforesaid there be reasonable and good cause for the said Corporation refusing to make the same, the reasonableness and sufficiency of such cause to be determined by the Court of Chancery or any Judge thereof upon the application of any party interested, in a summary way, or by any Court or Judge having jurisdiction or power to grant a mandamus to compel the making of such sale and conveyance upon an application for a mandamus.

If not so assumed, lands to be sold.

13. No gas company now incorporated, or incorporated during this Session of the Legislature of Ontario, or hereafter, shall have the right to break up, dig, or trench any or any part of the public streets, roads, squares, or highways, or other public places of the City of Toronto, for the laying down mains along and under the same, except for repairs or the substitution of other mains for those already then laid, without the written consent of the City Engineer, or person acting as such, until thirty days' notice in writing of such intention shall have been given to the City Engineer, or the person for the time being acting as City Engineer; and whenever any such company shall have given the said notice with respect to any street or streets in the said City, or any portion thereof, the Corporation of the said City may by by-law, within twenty-one days after the giving of such notice, prohibit the proposed breaking-up, digging, or trenching of such streets, squares, or places, or any part thereof, unless a majority in number of the ratepayers assessed, according to the last revised assessment roll, upon each street or portion of street with respect to which such notice shall have been given (which petitioning ratepayers shall appear by the last revised assessment roll, to be assessed either as owners or tenants for more than one-half of the assessed aggregate value of the real estate situate on such street, or portion of street, with respect to which such notice is given), do petition the said corporation against the passing of said by-law: Provided further, that where any street or any part thereof, is paved with stone or wood pavement, asphalt, cement, or other material of a like permanent character, the said petitioning ratepayers shall include a majority of the ratepayers assessed as aforesaid, either as owners or tenants in respect of real estate, situate upon the street or portion thereof

Gas Companies breaking up streets.

Amended by c. 88, s. 3.

in

in respect of which such notice has been given : But nothing herein contained shall apply to any case where it is desired to cross any street with mains, in order to supply property not situate upon such street.

2. Within two months after service of a written notice from said corporation, of its intention to lay down such permanent pavement upon any street or portion of street, every such company, except in the case provided for by the last section, shall make connections from their mains to each side of the street, or the portion of street to be laid with such permanent pavement ; and in default of making such connection before the laying of such permanent pavement, shall not be entitled thereafter to make the same without the written consent of such Engineer ; said notice to be given between the first day of April and the first day of August in any year.

Purchase of
Gas Com-
panies' Works,
&c., by the
Corporation.

14. It shall be lawful for the Corporation of the City of Toronto, with the consent of the Gas Company or Companies now incorporated or hereafter to be incorporated for the Municipality, at any time, to pass a by-law for the acquisition as they then exist of the whole of the machinery, works, plant, mains and other pipes, including the cost of laying the same, supplies, business, assets, rights, franchises or privileges, easements, and other property of every nature and kind both real and personal of any such Gas Company, the whole to be valued as a going concern, at a price to be ascertained and determined by a separate arbitration with each Company under the provisions of the Municipal Acts ; and the said Company or Companies shall be bound to accept the price so ascertained and upon payment of such price by the Corporation, together with all proper costs and expenses incurred by such Company in or about such arbitration, they may assume the said property so purchased, and exercise the said rights, franchises and privileges.

Consent to
purchase.

2. It shall be lawful for the shareholders of any such Company at any special meeting of the shareholders called for that purpose, to authorize the Board of Directors of the Company to give the consent aforesaid.

Application of
the purchase
money.

15. The moneys so received shall be applied by the Board of Directors of such Company in satisfaction of its liabilities, and subject thereto shall be distributed amongst the shareholders in proportion to their shares.

Notice of
claims against
the companies.

16. When the directors shall have given notice by advertisement in the *Ontario Gazette*, and a newspaper published in the City of Toronto, once a week for twelve weeks, for creditors to send in to the Company their claims against the Company, the directors shall, at the expiration of the time named in such notice for sending in such claims, distribute said moneys amongst the parties entitled thereto, having regard to the claims of which the said Board has then notice ; and the said Company shall not, nor shall the shareholders thereof, be liable to any person
of

of whose claim the said Board shall not have had notice within the time limited by such advertisement for sending in claims.

17. The Board of Directors of any such Gas Company shall be at liberty without the institution of a suit to apply by petition to any Judge of the Court of Chancery for the opinion, advice or direction of such Judge on any question respecting the administration or management of such purchase money, and for adjudication upon all matters and questions of every nature and kind in any way connected with the due administration of such purchase money, and the said Judge may cause notice of such application to be served on such persons as to him may seem proper, and such application may be supported by affidavits, or if the said Judge thinks proper he may require the same or any such question to be heard and disposed of as ordinary causes in said Court, and the said Judge or the Court may make such order on any such application as may seem meet; and the Board of Directors may make the like application to said Court for its approval of any acts done by them in connection with the administration of said purchase money or any part thereof; and any Board of Directors acting upon any such order or as to any of whose acts the said Court or a Judge thereof shall make an order approving of the same, shall be deemed, so far as regards their responsibility in respect of the acts so ordered to be done or approved of as having been done, to have discharged their duty in the subject matter of such application, and such order shall release the Board of Directors from all responsibility in respect of any acts so ordered to be done or approved of as the case may be; and further it is declared, that the said Board may, if it thinks fit, apply to said Court in a summary manner to administer said purchase money, and the said Court is hereby empowered to administer the same, and in the proceedings to administer the same, shall adopt as far as is applicable thereto, the practice of the Court in the administration of the estates of deceased persons: Provided always, that nothing herein contained shall interfere with or impair the present powers of the Corporation of the City of Toronto under the Municipal Act, so far as they are thereby empowered to pass a by-law in respect of Gas Companies.

Opinion of Judge of Court of Chancery may be obtained as to the administration of the purchase money.

18. The costs, charges and expenses of and incidental to such administration and of the remuneration of the directors shall be a first charge on such purchase money.

Costs of administration and remuneration of directors to be the first charge on the purchase money.

CHAP. 40.

An Act to Legalize a certain By-Law and certain Debentures of the City of Toronto.

[Assented to 2nd March, 1877.]

Preamble

WHEREAS doubts have arisen as to the validity of a certain by-law of the Corporation of the City of Toronto, authorizing the raising of a certain sum of money for the purposes therein mentioned, by the issue of debentures, and as to the validity of the debentures to be issued under and by virtue of the same by-law, and it is necessary and expedient in the interests of the public, and of the holders of the said debentures, that all such doubts should be removed, and that such by-law and debentures should be legalized and confirmed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No.
772 valid.

1. By-law number seven hundred and seventy-two, passed December 26th, 1876, entitled "A by-law to provide for the issue of debentures to the amount of two hundred and sixty-three thousand two hundred and fifty dollars, redeemable in five yearly instalments, for the general purposes of the City of Toronto," and the debentures to be issued thereunder, and all acts done and contracts entered or to be entered into in pursuance thereof, are hereby legalized and declared valid, notwithstanding any want of power or authority in the said Corporation to raise money as aforesaid for the purposes in the said by-law mentioned, or any irregularity in the passing of the said by-law, or preliminary to the passing thereof.

Debentures
where and
how payable

2. The debentures to be issued thereunder shall be made payable in sterling at the banking house of Messrs. Bosanquet, Salt and Company, London, England, in collective amounts to mature as follows:—

Nine thousand six hundred pounds in one year from the date of issue;

Ten thousand one hundred pounds in two years from the date of issue;

Ten thousand seven hundred and fifty pounds in three years from the date of issue;

Eleven thousand five hundred pounds in four years from the date of issue;

Twelve thousand one hundred pounds in five years from the date of issue.

CHAP.

CHAP. 41.

An Act to legalize a By-Law of the County of Simcoe.

[Assented to 2nd March, 1877.]

WHEREAS the Corporation of the Town of Barrie, did on Preamble.
the nineteenth day of June, in the year of our Lord one thousand eight hundred and seventy-six, pass two by-laws, intituled respectively "By-law number two hundred and twenty-six, to raise the sum of six thousand dollars by debentures, for the purpose of paying a debt to the County of Simcoe, amounting to the sum of five thousand and four hundred dollars, and for the payment of interest on the same," and "By-law number two hundred and twenty-seven, to raise the sum of twelve thousand dollars by debentures, for the purchase of land whereon to erect Public School Houses, and for the erection and repair of Public School Buildings, in and for the Town of Barrie:" And whereas the Corporation of the County of Simcoe, through the Council thereof, did, on the tenth day of October, in the year of our Lord one thousand eight hundred and seventy-six, pass a by-law intituled "By-law number two hundred and sixty-six, to guarantee certain debentures of the Corporation of the Town of Barrie." And whereas the Corporation of the said Town of Barrie have by petition prayed that the said by-law of the Corporation of the County of Simcoe, may be legalized and confirmed, and whereas it is desirable to grant the prayer of said petition :
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said by-law number two hundred and sixty-six of By-law 266,
the Corporation of the County of Simcoe above cited, and the valid.
payment of all debentures guaranteed or intended to be guaranteed thereby shall be, and are hereby declared to be legal, valid and binding.

CHAP. 42.

An Act respecting By-law No. 240 of the Town of Windsor.

[Assented to 2nd March, 1877.]

WHEREAS the Municipal Council of the Corporation of Preamble.
the Town of Windsor have petitioned, praying that an Act may be passed to confirm and legalize a by-law of the said Council,

Council, passed on the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and seventy-five, after having been approved by the ratepayers of the said Town, intituled "A By-law to raise by way of loan the sum of six thousand dollars to aid in the establishment of a line of steamers to ply between the Town of Windsor and Prince Arthur's Landing on Lake Superior, and intermediate Ports," numbered 240; and have by the said petition also represented that it is of advantage to the said Town as well as just and right that the said by-law should be made good: And whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law 240
legalized.

1. The said by-law numbered 240 of the Municipal Council of the Corporation of the Town of Windsor is hereby confirmed, and declared legal and valid to all intents and purposes; and the debentures issued under the said by-law declared valid and binding upon the said Corporation of the Town of Windsor and the ratepayers thereof.

CHAP. 43.

An Act to consolidate the Debt of the Port Hope Harbour.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the Commissioners of the Port Hope Harbour have, under the Acts of Parliament relating to the Port Hope Harbour authorizing the same, issued debentures to the amount of forty-five thousand pounds for the purposes in said Acts set forth, and have petitioned to be authorized to issue debentures to an amount not exceeding seventy thousand dollars for the purposes of redeeming the present outstanding debentures, amounting to forty-three thousand dollars, of paying off the outstanding liabilities of the said Commissioners, and consolidating the present debt of said Harbour; and have also petitioned for power to make a promissory note, or notes, from time to time, for the purpose of defraying the current expenses in connection with the duties of the said Commissioners, to an amount, or amounts, not to exceed in the whole, at any one time, the sum of ten thousand dollars; and, whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said The Commissioners of the Port Hope Harbour may issue debentures under their corporate seal, signed by their Chairman and countersigned by their Secretary, for the time being, in such sums, not exceeding seventy thousand dollars in the whole, as the said Commissioners may from time to time direct, upon the security of the said Harbour, or on the security of the tolls thereof, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place, or places, as the said Commissioners may deem expedient.

Power to issue debentures for £70,000.

Where payable.

2. The moneys to be received from the sale of said debentures shall be applied by said Commissioners to the redemption and payment of the said outstanding debentures, and the payment of the present liabilities of the said Commissioners, and for no other purpose whatsoever.

Application of moneys raised.

3. The debentures to be issued as aforesaid shall be payable in not more than twenty years from the dates thereof, as the said Commissioners may direct; and the interest thereon at such rate not exceeding eight per centum per annum, as the said Commissioners shall determine, shall be payable half-yearly according to the coupons to be attached thereto.

Debentures, when to be payable.

Interest.

4. The said debentures and coupons may be made payable in sterling money, if the said Commissioners shall so direct.

Debentures may be in sterling.

5. No irregularity in the form, either of the said debentures, or of any by-law or resolution authorizing the issuing thereof, shall render the same illegal or invalid, or be allowed as a defence to any action brought against the Commissioners for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

Irregularity in form not to invalidate debentures.

6. The provisions of the Act passed in the sixteenth year of Her Majesty's reign, and intituled "An Act to vest the Harbour of Port Hope and adjacent premises in Commissioners," relative to the Sinking Fund therein mentioned, and generally all the provisions thereof, and of any other Act passed with respect to said Harbour not inconsistent with this Act, shall apply to any debt to be contracted and any debentures to be issued by the said Commissioners under this Act, in like manner as to any debt contracted, or any debentures issued under the said Act or Acts.

Provision for sinking fund.

7. The said Commissioners may make a promissory note, or notes, from time to time as occasion may require, for the purpose of defraying the current expenses in connection with the duties of the said Commissioners, to an amount, or amounts, not to exceed in the whole at any one time the sum of ten thousand dollars; and every such note shall be under their corporate seal, signed by their Chairman, and countersigned by their Secretary, for the time being.

Power to make promissory notes.

CHAP. 44.

An Act to enable the Corporation of Cobourg to aid a certain Manufacturing Establishment.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the Corporation of the Town of Cobourg by their petition, have represented that application has been made to them by the Norval Manufacturing Company, Limited, for a bonus to aid the said Norval Manufacturing Company, Limited, to establish its manufactory in the said Town, and have represented that the establishment of said manufactory in said Town will be of great advantage to the said Corporation, and that it is desirable to aid the said the Norval Manufacturing Company, Limited, to the extent of two thousand five hundred dollars, and have asked for authority to grant such aid and to enter into such agreements with the said Norval Manufacturing Company, Limited, in relation thereto as they the said Corporation may be advised; And whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Aid to the
Norval
manufacturing
company.

1. It shall and may be lawful for the Town Council of the Town of Cobourg to pass a by-law authorizing the issue by the said Council of debentures not exceeding the sum of two thousand five hundred dollars, bearing interest at the rate of eight per centum per annum, and the same when issued to hand over to the said Norval Manufacturing Company, Limited, to aid it in establishing its said manufactory in the said Town of Cobourg, upon such terms as may be agreed upon between the said Corporation and the said Norval Manufacturing Company Limited; Provided always, that the said by-law shall first be submitted to a vote of the ratepayers of the said Town in the manner provided by the Act respecting Municipal Institutions in the Province of Ontario, and the Act passed in the thirty-ninth year of Her Majesty's reign, and chaptered thirty-five, before its final passing by the said Town Council.

Proviso.

Harbour
debentures.

2. The debentures hereby authorized to be issued shall be and form part of the debentures which the said Council is empowered to issue for harbour purposes by statute passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered one hundred and twenty; and the amount of debentures by the said last mentioned Act authorized to be issued for harbour purposes is hereby reduced by the amount of the issue authorized by this Act, and shall bear interest at the rate aforesaid of eight per cent per annum.

3.

3. It shall and may be lawful for the said Corporation to enter into such agreements and agreement as they may be advised with the said Norval Manufacturing Company, Limited, not inconsistent with the terms set forth in said by-law and to receive from the said Company, such covenants, promises, and undertakings in relation to the premises as they may be advised, and to enforce such agreements, covenants, promises, and undertakings in such way and manner as they the said Corporation may be advised, and as fully and effectually as the same might be enforced by an individual.

Agreement
with the
companies.

4. Nothing in this Act contained shall in anywise affect the claim of the Province of Ontario in respect of the debt contracted under the Act establishing a Consolidated Municipal loan Fund for Upper Canada, and Acts amending the same, or the claims of the holders of the debentures issued in respect of the said debt under the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered forty-seven, and intituled an "Act respecting the Municipal Loan Fund Debt, and respecting certain payments to municipalities."

Claim of the
Province
under Muni-
cipal Loan
Fund not
affected.

36 V. c. 47.

CHAP. 45.

An Act to authorize the Town of Dundas to pass a By-law exempting the Canada Screw Company from taxes.

[Assented to 2nd March, 1877.]

WHEREAS the Corporation of the Town of Dundas has by petition prayed that it may be empowered to pass a by-law exempting the Canada Screw Company from payment of municipal taxes for the period of twenty-one years on any additions since the first day of January one thousand eight hundred and seventy-six, which they have built or which they may build to their present Screw Factory in Dundas, and any land which they have acquired since above date, and any machinery which may have been put into said Factory since said date or any which may hereafter be put into the same and used therein; and whereas, it is expedient to grant the prayer of the said petition;

Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Municipal Council of the Town of Dundas is hereby empowered to pass a by-law at any regular sittings of the said Council to be held hereafter, exempting the Canada Screw Company from

Certain pro-
perty of
Canada Screw
Company may

N

Screw

be exempted
from taxation.

Screw Company or their lessees or tenants from payment of municipal taxes, for the period of twenty-one years from the passing of this Act, on any addition which they have built since the first day of January in the year of our Lord one thousand eight hundred and seventy-six, or which they may hereafter build to their said Screw Factory in Dundas, and on any machinery which may have been put into said Factory since said date, or which may hereafter be put into the same to be used and employed by them or any of them in such Factory : but nothing in this Act shall exempt from taxation any building erected prior to said first day of January in the year of our Lord one thousand eight hundred and seventy-six, and used as part of said Factory : Provided always, that no such by-law shall be valid until the same has been submitted to the rate-payers or the property holders of said Town, and has received their sanction in the manner provided by law in case of by-laws of Municipal Councils requiring the assent of the electors of a Municipality before the final passing thereof.

CHAP. 46.

An Act to empower the Council of the Municipality of the Township of Adelaide to sell certain lands.

[Assented to 2nd March, 1877.]

WHEREAS the Municipal Council of the Township of Adelaide have petitioned for power to sell St. George's Square in the Village of Adelaide, which said square has been granted and patented to the said Corporation of Adelaide to be held in trust by the said Corporation for the purpose of erecting a town-hall and holding agricultural exhibitions of the Township Agricultural Society thereon, a more suitable place for the purposes aforesaid having been procured by said Municipality ; and whereas it is expedient and proper to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Power to sell
St. George's
Square.

1. The said Corporation of the Township of Adelaide shall have power to sell, convey and dispose of St. George's Square in the Village of Adelaide, in the County of Middlesex, and Province of Ontario, notwithstanding, and freed from any trusts in the said grant thereof contained.

CHAP. 47.

An Act to alter and amend the survey of the lands of the Canada Company in the Townships of Bosanquet and McGillivray.

[Assented to 2nd March, 1877.]

WHEREAS William Rath, Provincial Land Surveyor, by Preamble, the direction and instruction of the Canada Company, made the original survey of part of the lands of the Canada Company, in the Townships of Bosanquet and McGillivray, dated the twenty-seventh day of June, one thousand eight hundred and sixty-five, and the map and plan of the said survey were duly filed and registered in the registry offices of the Counties of Lambton and Middlesex, in which the said lands are situated, in the same year; And whereas, in consequence of a large quantity of the said lands in the said Townships, which were swamp lands, having been drained and reclaimed by the Canada Company, a new survey of the said lands became necessary, and accordingly, by the direction and instruction of the Canada Company, a new plan and survey of part of the said Townships, so surveyed as aforesaid by the said William Rath, has been made by D. S. Campbell, Provincial Land Surveyor, dated the fourth day of May, one thousand eight hundred and seventy-six; And whereas it is desirable that the said plan and survey of the said D. S. Campbell shall be substituted for and stand in the place of the said plan and survey of the said William Rath, and the said Canada Company have, by their petition, asked for the passing of an Act to confirm the same;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The plan and survey of the parts of the Townships of Bosanquet and McGillivray, made by the said D. S. Campbell, P. L. S., and dated the fourth day of May, one thousand eight hundred and seventy-six, shall be substituted for and stand in the place of the plan and survey of the parts of the said Townships made by the said William Rath, P. L. S., and dated the twenty-seventh day of June, one thousand eight hundred and sixty-five, and shall be to all intents and purposes whatever, the original survey of the said parts of the Townships of Bosanquet and McGillivray. Plan of survey in Bosanquet and McGillivray legalized.

2. The said plan of the said D. S. Campbell shall be registered in the registry offices of the Counties of Lambton and Middlesex, within three months after the passing of this Act. Plan of survey to be registered.

CHAP.

CHAP. 48.

An Act to legalize a Survey in the Township of Matilda.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS it appears, by the petition of Reuben Rose, James Hagerty, James Smith, John S. Cassleman and others, of the Township of Matilda, in the County of Dundas, that, on or about the year one thousand eight hundred and fifty-four, one John S. Bruce, P. L. S., was according to law instructed by the Commissioner of Crown Lands to survey the lines between the seventh and eighth concessions of the said Township of Matilda, and at that time, but without instructions, did subdivide the eighth concession into lots and planted posts or monuments at the corners of each lot, and that a plan of such survey is now on file in the Crown Lands Department; that such survey has been accepted by the land owners in said concession; that any subsequent surveys have been made from the posts or monuments then planted; that every lot in the said eighth concession is now occupied; and that any change in such survey would subject such land owners to much trouble and expense; and whereas the petitioners have prayed that the subdivision of the said eighth concession in the aforesaid Township of Matilda into lots, may be legalized, confirmed, and established by authority of the Legislature of this Province as the true survey of that part of the said Township of Matilda affected thereby; and whereas it is expedient to grant their prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Survey made
by J. S. Bruce
confirmed.

1. The survey so made by the said John S. Bruce shall be held and deemed to be and is hereby declared to be, to all intents and purposes, the only true and unalterable survey of the lots in the eighth concession of the Township of Matilda; and the lines, limits, boundaries, and angles thereby established, and the monuments planted by the said surveyor to designate the same respectively, are hereby declared to be the only true and unalterable lines, limits, boundaries, and angles of the said lots, and the only true and unalterable monuments to designate the same, respectively, any law, usage, or custom to the contrary, notwithstanding.

Pending suits
and titles ac-
quired by
possession.

2. Nothing in this Act contained shall affect any suit or action now pending, nor shall it affect or reverse any judgment heretofore given or rendered either with respect to any of the lands in said eighth concession, or with respect to any title or estate in any of said lands; nor shall it affect or disturb any title or estate in any of the said lands acquired by length of possession.

CHAP.

CHAP. 49.

An Act relating to St. Mark's Church, Niagara.

[Assented to 2nd March, 1877.]

WHEREAS the Rector and Churchwardens of St. Mark's Preamble.

Church, in the Parish of Niagara, in the Diocese of Niagara, have by their petition set forth that the following lands and premises, that is to say—All and singular that certain parcel or tract of land and premises, situate, lying, and being in the Town of Niagara, containing by admeasurement two acres, be the same more or less, which said two acres are butted and bounded as follows: Commencing at the corner of Wellington and Ricardo Streets, and running north-west, along Ricardo Street, two hundred and eight feet to the land formerly granted to the Church of England; thence running south-west, parallel to Wellington Street, four hundred and sixteen feet to Byron Street; thence along Byron Street south-east, two hundred and eight feet to the corner of Wellington and Byron Streets; thence along Wellington Street four hundred and sixteen feet to the place of beginning, were, by a certain indenture dated the twenty-third day of April, A.D. one thousand eight hundred and fifty, conveyed by the Principal Officers of Her Majesty's Ordnance to the Lord Bishop of Toronto and his successors, upon the trusts and for the purposes following, that is to say, for the use of the said Church and for a burial ground in connection therewith;

And whereas, since the date of such grant as aforesaid, the Town Council of said Town of Niagara, by resolution, prohibited the use of said premises as a burial ground, in consequence whereof the said land is not available for the purposes for which it was granted, and that it is advisable to sell the same, and to add the proceeds thereof to the Rectory Land Fund of the Parish of Niagara, the same being for the use of the said Church;

And whereas, there have not been any interments or burials in the premises in question;

And whereas the petitioners have prayed that an Act may be passed enabling them to sell the said lands, and apply the proceeds thereof in manner aforesaid;

And whereas it is expedient to grant the prayer of the said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Rector and Churchwardens are hereby authorized to sell the said lands and premises for the best price that can be got for the same, and to convey the said lands and premises in fee simple absolute to the purchaser or purchasers thereof.

Rector and Churchwardens may sell certain lands.

2.

Purchasers
not answerable
for disposal of
purchase
money.

2. No person or persons, body or bodies corporate, who shall purchase the said lands and premises shall be in any way bound to see to the application, or be answerable for the non-application of the said purchase money or any part thereof.

Proceeds of
sale to be
added to Rec-
tory Land
Fund.

3. The proceeds of the said sale of said lands shall, after deducting the expenses connected with said sale, be added to and form part of the Rectory Land Fund of the said Parish of Niagara.

CHAP. 50.

An Act respecting St. John's Church, Iroquois.

[Assented to 2nd Merch, 1877.]

Preamble.

WHEREAS the members of the Church of England, constituting the congregation of St. John's Church in the Village of Iroquois, in the County of Dundas, and Province of Ontario, are desirous of having applied in part payment of the purchase money of a certain parcel of land, being lots seven, eight, and nine in block G, on the north side of Ford Street, in the said Village of Iroquois, lately purchased by them, the sum of nine hundred dollars, part proceeds of the sale money of the Centre Commons, in the Township of Matilda, in the County of Dundas, now held by the Incorporated Synod of the Diocese of Ontario, in trust for the said Church: And whereas the said congregation are desirous of having extended the provisions of an Act passed in the thirty-eighth year of her Majesty's reign, and chaptered eighty-three, so as to enable the trustees therein named, to mortgage the said lots for the sum of two thousand dollars instead of one thousand dollars, and to apply the moneys raised by such mortgage, as well to the payment of the cost of the erection of buildings upon the said lots, as to the payment of the purchase money therefor: And whereas the Rev. G. W. White, Incumbent, and Jacob H. Ross, and William Patton, churchwardens of the said church, in pursuance of a resolution passed at a special vestry meeting of the said congregation, duly convened and held on the fourteenth day of August, one thousand eight hundred and seventy-six, have petitioned for relief in the premises; and whereas it is desirable to grant the prayer of their petition;

38 V. c. 83.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Synod of
Ontario to
apply trust
money.

1. It shall be lawful for the said Incorporated Synod of the Diocese of Ontario, to apply the sum of nine hundred dollars, part of the said trust moneys held by them, resulting from the sale

sale of the said Centre Commons, in payment of any balance of purchase money which may be due in respect of the said lots on their purchase, by or on behalf of the said congregation, and such application by the said Synod shall *pro tanto*, be a discharge of the trusts on which the said moneys have been hitherto held by the said Synod.

2. For and notwithstanding anything contained in the said recited Act, it shall be lawful for the trustees therein named or any future trustees appointed for the purposes thereof, having been first authorized by a resolution of the said vestry, to mortgage the said lots for a sum not exceeding in the whole the sum of two thousand dollars, and to apply the moneys which may be raised by such mortgages, either towards the payment of any balance of purchase money due upon the said lots or towards the cost of erecting a parsonage and out-buildings thereon: Provided, however, that the whole mortgage debt upon the said property shall not exceed at any one time the principal sum of two thousand dollars.

Powers of trustees.

3. The said money may be borrowed from, and the said mortgage given to, any person or corporation.

Money may be borrowed.

4. It shall be lawful for the said trustees, having been first authorized by a resolution of the vestry of the said Church, should occasion require from time to time, and at all times hereafter to make new and further mortgages for the purpose of paying off any mortgage or mortgages then in existence upon the same property, or any part thereof, upon such terms and at such times as the said trustees or their successors shall deem proper, subject to the limitation hereinbefore prescribed, as to the amount of the mortgages to be created on the said premises.

Trustees may make new mortgages.

5. Any mortgagee or mortgagees advancing money upon the security of a mortgage upon the said premises shall not be bound to see to the application thereof by the borrower.

Mortgagees no bound to see to application of moneys.

CHAP. 51.

An Act respecting Saint Paul's Church in the Village of Almonte.

[Assented to 2nd March, 1877.]

WHEREAS the Bishop of the Diocese of Ontario, the Rector and Churchwardens of the Church of the United Church of England and Ireland, commonly known as Saint Paul's

Preamble.

Paul's Church, in the Village of Almonte, by and with the consent of the Synod of the said Diocese of Ontario, have petitioned for an Act to empower the Bishop of Ontario to mortgage the Parsonage land consisting of the southerly halves of lots eighty-one and eighty-two, on Clyde Street, in the Village of Almonte, in the County of Lanark, and the buildings thereon erected, for the purpose of raising a sum not exceeding three thousand five hundred dollars to be applied towards paying off the debt incurred in and about the erection of the Parsonage building thereon, and in completing the said building, and whereas it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

\$3,500 may be raised by mortgage on parsonage lot.

1. The Bishop of the Diocese of Ontario may contract with any person or persons, party or parties, corporation or corporations for a conveyance or conveyances by way of mortgage of the Parsonage lot aforesaid together with all buildings thereon, as security for the payment of money borrowed or to be borrowed as aforesaid ; Provided, however, that the whole mortgage debt upon the said property shall not at any one time exceed the principal sum of three thousand five hundred dollars.

Moneys may be applied towards payment of debt &c.

2. The moneys raised by such mortgage shall be applied towards the payment of the debts incurred in and towards the erection of the said Parsonage building on said land, and in and towards the completion of said building, but no person paying any money to such Bishop and Churchwardens in pursuance of this Act, and obtaining their receipt therefor, shall be required to see to the proper application of the money.

CHAP. 52.

An Act respecting St. Paul's Church at Newmarket.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the Right Reverend Alexander Neil, Bishop of the Diocese of Toronto, the Very Reverend Henry J. Grassett, of the City of Toronto, and the Reverend Francis Tremayne, Incumbent of St. Paul's Church, in the Village of Newmarket and County of York, have presented their petition stating (amongst other things) :

"That by deed dated the twentieth day of November, one thousand eight hundred and forty-one, George Lount conveyed to the Right Reverend John, Lord Bishop of Toronto, the
"Reverend

“ Reverend Henry J. Grassett, and the Reverend Robert Joseph C. Taylor, the lands and premises hereinafter described, to have and to hold the same upon trust to permit the said lands from time to time, and at all times thereafter, to be held and converted into the site and ground plot of a church, to be governed and regulated according to the discipline, rites and ceremonies of the Church of England ; and also as and for the site of a burial ground to be attached thereto ; and also as and for the site of a parsonage house for the residence of a clergyman, with glebe land adjoining thereto, and, for the purposes aforesaid, to permit and suffer the said premises to be laid out, and such churches, erections and buildings to be placed on any part thereof as the Bishop of the Diocese of Toronto for the time being shall, by writing under his hand, direct and appoint: And further upon trust, that the said trustees, their survivors, successors and assigns, should at all times permit and suffer the clergyman of the Church of England for the time being, doing duty as the missionary or settled minister of Newmarket, and duly recognized and appointed to the same by the Bishop of the Diocese for the time being, to take and receive the rents, issues, and profits of such parts of such lands as shall be laid out and appropriated as and for a parsonage and glebe land to and for his own absolute use and benefit; and in case at any time thereafter the said mission should be constituted or made into a rectory, then in such case and immediately thereupon, upon the further trust to permit and suffer the rector and his successors for the time being, to take and receive the said rents, issues and profits to his and their own use and benefit, and to and for no other use, trust and intent or purposes whatsoever ; and that the said deed provided for the appointment of new trustees where occasion should require, by the Bishop of the Diocese of Toronto for the time being, with the like powers to such new trustees as were reposed in their predecessors : And that the Right Reverend John, Lord Bishop of Toronto and the Reverend Robert Joseph C. Taylor have, since the date of the said deed, departed this life, and the said Right Reverend Alexander Neil, the now Bishop of Toronto, has by virtue of the powers by the said deed in him reposed, by writing duly executed and dated the seventeenth day of April, one thousand eight hundred and seventy-six, appointed himself and the said Reverend Francis Tremayne, trustees in the place of those deceased : And that the said lands have by deed, dated the twenty-seventh day of June, one thousand eight hundred and seventy-six, by the surviving trustee been conveyed to himself and the new trustees to hold upon the like trusts as are set out and contained in the said original deed of trust : and that in the opinion of your petitioners it is desirable and will be productive of benefit to the Church of England in Newmarket, that they, the said trustees, should have power to sell the said lands:” And whereas no part of the said premises has been used as a burial ground, and no interments or burials have been made therein. And whereas it is desirable to grant the prayer of such petition : Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Trustees may
sell lands in
Whitechurch.

1. The said trustees or trustee for the time being, or a majority of them, notwithstanding the provisions of the said deed of trust, shall, if authorized by a resolution of the vestry of the congregation of St. Paul's Church in Newmarket aforesaid (such resolution to be passed at a special vestry meeting of the congregation to be called for that purpose) have full power and authority to sell and absolutely convey and dispose of all and every or any part of the lands more fully described and set out in the said original deed of trust, and being part of lot number ninety-three, on the east side of Yonge Street, being in the first Concession of the Township of Whitechurch, in the County of York, as they in their discretion shall see fit, to any person or persons whatsoever, either together or in parcels, either by public auction or private contract, and for such price or prices in money, payable and to be secured by instalments, mortgages or otherwise, as to the trustees or trustee for the time being shall seem reasonable, and any deed executed by such trustees as aforesaid shall vest in the purchaser a full, clear and absolute title to the said lands, subject only to any leases thereof or rights therein now existing or granted by competent authority prior to such sale, and also to any mortgage that may be executed thereof, to secure all or any of the purchase money thereof.

How proceeds
of sale to be
disposed.

2. It shall be lawful for the trustees or trustee for the time being, or a majority of them, to invest a sum not greater than one-half of the proceeds arising from such sales after payment of the expenses of obtaining this Act, and the proper charges of effecting and carrying out the said sales in or towards the building of a parsonage house for the residence of the clergyman of the Church of England for the time being, doing duty as the settled minister of Newmarket, and duly recognized and appointed to the same by the Bishop of the Diocese for the time being.

Investment of
money.

3. The balance of the proceeds of such sales, as the same may be from time to time paid, or as the same may come in from any investment, shall be invested by the trustees or trustee for the time being, in Government stock or securities of the Dominion of Canada, or upon the security of freehold real estate of ample value in the Province of Ontario, and the said trustees shall hold and apply the principal and interest represented by or derivable from such sales and investments upon and for the same or some one of the trusts, ends, intents and purposes expressed in the original deed of trust with respect to the said lands.

Act limited to
ten years.

4. The trust and power of sale authorized by this Act are to be exercised within ten years from the passing hereof.

5. The purchaser or purchasers of the said land or any part thereof, shall not be in any way bound to see to the application of the said purchase money or any part thereof,

Purchasers not bound to see to application of purchase money.

CHAP. 53.

An Act respecting St. Paul's Church, Toronto.

[Assented to 2nd March, 1877.]

WHEREAS the Rector and Churchwardens of the Church of the United Church of England and Ireland, commonly known as St. Paul's Church, in the City of Toronto, have in pursuance of a resolution passed at a meeting of the vestry of the said Church in that behalf, petitioned for an Act to vest the property owned by the said Church, and being all those certain parcels or tracts of land and hereditaments situate in the City of Toronto, in the County of York, in the Province of Ontario and Dominion of Canada, being composed of firstly, part of park lot number seven, on the south side of Bloor Street, in the said City of Toronto, which said parcel or tract of land and premises may be more particularly known and described as follows, that is to say: Commencing at a point on the southerly limit of Bloor Street, distant two hundred and twenty-three feet four inches easterly from the easterly limit of Church Street; thence north seventy-four degrees east, following the said southerly limit of Bloor Street, eighteen feet; thence south sixteen degrees east, one hundred and fifteen feet and eight inches to a post there planted; thence south eighty-eight degrees twenty-five minutes east, twenty-eight feet and three inches to a post there planted; thence south sixteen degrees, east, seventy-six feet and five inches more or less to a post planted in the existing fence forming the southerly boundary of the church property; thence south seventy-four degrees west, following the said existing fence forty-five feet more or less to the existing fence forming the westerly boundary of the said church property; thence north sixteen degrees west, following the said boundary two hundred feet more or less to the place of beginning, containing by admeasurement five thousand seven hundred and sixty-nine square feet be the same more or less: Secondly, part of park lot, number six, on the south side of Bloor Street, in the said City of Toronto, and which parcel or tract of land and premises may be more particularly known and described as follows, that is to say: Commencing at a point on the southerly limit of Bloor Street, distant three hundred and sixty-one feet and eleven inches easterly from the easterly limit of Church Street; thence north seventy-four degrees east, following the said limit of Bloor Street, eighty feet and

seven inches more or less to the westerly boundary of a private lane ten feet in width; thence south sixteen degrees east following the said limit of the said lane eighty-nine feet and six inches to the northerly face of a frame building; thence north seventy-four degrees east, following the said northerly face of the said building five feet more or less to the easterly face of the said frame building; thence south sixteen degrees east, following the said easterly face of the said building and the existing boundary of the said church property one hundred and forty-five feet and eight inches more or less, to the existing fence forming the southerly boundary of part of the said church property; thence south seventy-four degrees west, following the said boundary one hundred feet more or less to the existing westerly boundary of part of the said church property; thence north sixteen degrees west, following the said westerly boundary and the production northerly thereof, in all a distance of one hundred and two feet and one inch to a post there planted; thence north seventy-four degrees east, fifteen feet to a post there planted; thence north sixteen degrees, west one hundred and thirty-three feet more or less to the place of beginning, containing by admeasurement twenty-one thousand two hundred and forty-nine square feet be the same more or less, together with the free right of way at all times over along and upon the aforesaid private lane, and the buildings thereon erected, in the Reverend Saltern Givens, Rector, and William Scadding and Robert D. Stupart, Churchwardens, and their successors, and to empower them to mortgage the same to raise money for the purposes and use of the said Church, and for paying off a debt incurred in and about the erection of a school-house thereon; and have by the said petition further shown that the Reverend Saltern Givens, as Rector, and William Scadding and Robert D. Stupart, the then Churchwardens, have, to wit on the sixteenth day of July, 1875, executed a mortgage on said lands, to the Trust and Loan Company of Canada for securing the repayment of the sum of five thousand dollars then advanced by the said company to them for carrying out the purposes aforesaid, but that the said mortgage is not legally binding upon the said Church, and is not a valid conveyance of the said lands, owing to the same not being vested in the Rector and Churchwardens thereof with power to mortgage, and have petitioned that the same may be declared to be legally binding, and a valid conveyance of the said lands, and it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Property
vested in
rector and
church-
wardens.

1. The property and lands now owned by said St. Paul's Church, and which is hereinbefore first above mentioned and described, is hereby vested in the Rector and Churchwardens of the said Church commonly known as St. Paul's Church, who
having

having been first authorized by a resolution of the vestry of said Church from time to time and as so requested by such resolution are hereby empowered from time to time as may be necessary to contract with any person or persons, party or parties, corporation or corporations, for a conveyance by way of mortgage of the parcels of land aforesaid together with all buildings thereon erected as security for the payment of money borrowed or to be borrowed by them.

2. The said mortgage hereinbefore mentioned from the said the Reverend Saltern Givens, and William Scadding, and Robert D. Stupart, to the Trust and Loan Company of Canada, for five thousand dollars, is and the same is hereby declared to be a good and valid conveyance of the lands and premises hereinbefore mentioned and therein described, for the purposes and objects therein contained.

Mortgage to Trust and Loan Company valid.

3. The moneys raised or to be raised by such mortgage shall be applied towards the payment of the debts incurred in and about the erection of the school-house on the said lands, and for other purposes of said Church, but no person or corporation paying any money or who has paid any money to the rector or churchwardens pursuant to this Act and obtaining or who has obtained their receipt therefor, shall be required to see to the proper application of said money.

Application of moneys.

CHAP 54.

An Act respecting the Church of St. Alban the Martyr, in Ottawa.

[Assented to 2nd March, 1877.]

WHEREAS, the Rector and Churchwardens of the Church of the United Church of England and Ireland, commonly known as the Church of St. Alban the Martyr, in the City of Ottawa, have petitioned for an Act authorizing them and their successors to mortgage the property vested in them in trust for said Church, and being all and singular that certain parcel or tract of land and premises situate, lying, and being in the City of Ottawa, in the County of Carleton, in the Province of Ontario, and Dominion of Canada, being composed of City Building Lots numbers ten and eleven, on the north side of Daly Street in the City of Ottawa aforesaid, with the Church thereon erected, known as St. Alban's Church, for the purpose of raising a sum of money for the benefit and objects of the said Church and to confirm and legalize a certain mortgage already given by them to the Trust and Loan Company of Canada,

Preamble.

for

for the sum of six thousand five hundred dollars; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Lands may be mortgaged.

1. The Rector and Churchwardens of the aforesaid Church and their successors in office as such, shall, having been first authorized by a resolution of the vestry of said Church from time to time and as requested by such resolution, have power in their own names as such Rector and Churchwardens to mortgage the said lands and premises vested in them for the use of the said Church as aforesaid, or a portion thereof and the buildings thereon erected or to be thereon erected, and on the security of such mortgage or any subsequent mortgage, to borrow such sum or sums of money as they may think necessary for the purposes of the said Church.

Further mortgages.

2. It shall be lawful for the said Rector and Churchwardens and their successors as such, having been first authorized by a resolution of the vestry of said Church from time to time and as so requested by such resolution, to make other and further mortgages for the purpose of paying off any mortgage or mortgages then in existence upon said property or any part thereof, or obtaining such further advances thereon as the said vestry may by resolution authorize, upon such terms and at such times as the said Rector and Churchwardens and their successors may deem proper.

Mortgage to Trust and Loan Co. valid.

3. The mortgage heretofore given by the said Rector and Churchwardens to the Trust and Loan Company of Canada for securing the repayment of six thousand five hundred dollars and interest thereon as in said mortgage is provided, is hereby declared to be a good and valid conveyance of the said lands and premises to the Trust and Loan Company of Canada, for purposes in the said mortgage mentioned.

Mortgagees not to see to application of money.

4. It shall not be necessary for the said Trust and Loan Company or any person or persons or body corporate to see to the application of the moneys so advanced or to be advanced in pursuance of this Act, provided they take the receipt of the said Rector and Churchwardens for the same.

CHAP. 55.

An Act to enable the Synod of Niagara to sell certain lands in Arthur.

[Assented to 2nd March, 1877.]

WHEREAS about ten acres of land in the Township of Arthur, in the County of Wellington, being the north-west part of lot number eight on the east side of the Owen Sound Road, were, in the year one thousand eight hundred and forty-nine, granted by the Crown to the late Church Society of the Diocese of Toronto in trust as a site for a church, burial ground and parsonage, in connection with the United Church of England and Ireland in Canada, without any power to said Church Society to sell or convey away said land, and such site has been found unsuitable for the purposes for which it was granted, and it is deemed expedient by sale of the same to purchase the parsonage, site and house, in the Village of Mount Forest, in the mission of Mount Forest and North Arthur, in the said Diocese of Niagara; and whereas by virtue of an Act, intituled, "An Act to Incorporate the Synod of the Diocese of Niagara," passed by the Legislature of Ontario in the thirty-ninth year of Her Majesty's reign, and chaptered one hundred and seven, the said land is now vested in the said incorporated Synod, and the said Synod have, by their petition, prayed for an Act to enable the said Synod to convey away the said land; and whereas it is desirable to grant the prayer of such petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The incorporated Synod of the Diocese of Niagara shall have full power and authority to sell, and absolutely dispose of the said land, and any deed executed by the said Synod, purporting to be an absolute conveyance of the said land, shall vest the same in the grantee or grantees in such conveyance named, freed from all trusts whatsoever.

2. In case the said Synod sell the said land, the proceeds of such sale shall be applied by the said Synod towards the purchase of a parsonage site and house in the said Village of Mount Forest, to be held by the said Synod in trust for the use of the Incumbent for the time being of the said mission of Mount Forest and North Arthur; provided always that as soon as the congregation of the North Arthur Church commence the erection of a parsonage or church for the said congregation, or the said congregation be set apart as a separate mission, one half of the amount realized from the sale of the said land shall be raised by mortgage on the said first above mentioned parsonage and paid over to the Churchwardens of the said congregation of North Arthur.

Preamble.

39 V. c. 107.

Synod may sell land in Arthur.

How proceeds of sale to be disposed of.

Provis.

3.

Purchaser or
Mortgagee not
liable for ap-
plication of
purchase
money.

3. No purchaser shall be liable for the application of any money paid by him on any sale under the provisions of this Act, and no mortgagee shall be liable for the application of any money raised on said contemplated mortgage.

CHAP. 56.

An Act to authorize the Synod of the Diocese of Huron, to sell certain lands in the Township of Warwick.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the Incorporated Synod of the Diocese of Huron have, by their petition, represented that, by an Act of the Parliament of the late Province of Canada, 29 and 30 Victoria, chapter 16, intituled: "An Act to provide for the sale of the Rectory lands in this Province," it was, amongst other things, enacted that, "The Incorporated Synod of the Diocese of the United Church of England and Ireland in Canada, or the Church Society of any diocese, with the consent of the Synod of such diocese where such Synod is not incorporated, shall have full power and authority to sell and absolutely dispose of any lands granted by the Crown in such diocese, as a glebe of or as appurtenant or belonging to or appropriated for any rectory of the said Church, in such diocese, by whatever name the same may be called, or in whomsoever the title thereto may be vested." And also, by another Act of the said Parliament, 29 and 30 Victoria, chapter 17, intituled: "An Act to amend an Act of the present Session, intituled 'An Act to provide for the sale of the rectory lands in this Province,'" it was enacted as follows: "This Act shall not apply to any lands granted by the Crown as sites for churches, parsonages or burial grounds, or now occupied as such." And also, that prior to the passing of the said Act, lot numbered fifteen, in the first concession south of the Egremont Road, in the Township of Warwick, in the County of Lambton, had been granted by the Crown as a glebe of or as appurtenant or belonging to the rectory of the Church of St. Mary's, in the said Township of Warwick; but, at the time of the passing of the said Acts, the east half of the west half of the said lot was occupied as the site of a parsonage house, which house is inconveniently situated for that purpose, and has fallen into dilapidation, and the vestry of the said Church of St. Mary's have applied to the said petitioners to sell the said last mentioned lands including the parsonage house and invest the proceeds of such sale for the benefit of the incumbent for the time being of the said Church, until it shall have been decided by

by the said vestry, at a meeting called for the purpose, to erect another parsonage house in connection with the said Church, at which time one-fifth of the proceeds of such sale shall be applied to such purpose: And the said Synod have consented to such sale, and petition for this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said The Incorporated Synod of the Diocese of Huron shall have full power and authority to sell and absolutely dispose of the east half of the west half of lot number fifteen in the first concession south of the Egremont Road, in the Township of Warwick, in the County of Lambton; and, any deed or deeds of the same, executed by the said Incorporated Synod, shall vest in the purchaser or purchasers a full, clear and absolute title to said lands, freed from all trusts whatsoever, but subject only to any lease or leases thereof, or rights granted therein by competent authority prior to such sale, and also subject to any mortgage or mortgages that may be executed thereof to secure the whole or any part of the purchase money therefor.

Synod of Huron may sell part of lot fifteen, concession one, in Warwick.

2. The proceeds of such sale or sales shall be invested by the said Incorporated Synod, and the interest arising therefrom shall be paid to the incumbent for the time being of the said rectory, until the vestry of the said Church shall decide, by resolution of the said vestry, passed at a meeting called for that purpose, to erect a parsonage house in connection with the said Church, and shall have procured the necessary site for the same, to be vested in the said Synod, clear of any incumbrance whatsoever.

Proceeds of sale to be invested.

3. Whenever the said vestry shall have procured such site and passed such resolution as aforesaid, the said Incorporated Synod shall apply one-fifth of the principal money arising from the sale of the said lands towards the erection of the said parsonage house.

Parsonage house may be built.

CHAP. 57.

An Act respecting the Presbyterian Church at Orillia.

[Assented to 2nd March, 1877.]

WHEREAS by Indenture bearing date the thirtieth day of April, in the year of Our Lord one thousand eight hundred and fifty three, made between Allan Gardener of the first part

Preamble.

part, and John McKenzie and Adam Paterson, these being the deacons of the Presbyterian congregation, in the then Village of Orillia, in connection with the Presbyterian Church of Canada of the second part, for the consideration therein mentioned, the lands and premises hereinafter described were granted unto the said deacons of the said Presbyterian congregation, and their successors in office duly elected and ordained according to the regulations of the said Church, to have and to hold the same unto the said deacons and their successors in office duly appointed as aforesaid in trust, for the use of a burial ground in connection with the said Presbyterian Church, in the then Village of Orillia, and whereas the said lands were for some years used as such burial ground, but only a small portion of the same was sold for burial purposes, and but few interments have been made in the said lands, and whilst the said lands were being so used objection was made thereto by the Corporation of the Town of Orillia, on the ground that since the said lands had been acquired for the purposes aforesaid, the limits of the said Town of Orillia had been extended so as to comprise the said lands, and the portion of the said Town immediately adjacent to the said lands had been greatly built up and occupied by inhabitants of the said Town, and the said Town had greatly increased in population, and great injury was feared to the health and comfort of those residing in the vicinity of the said lands from the use of the said lands for the interment of the dead; and whereas in the year of Our Lord one thousand eight hundred and seventy-three, a large parcel of land, being the north-west corner of lot number seven, in the fourth concession of the Township of Orillia (southern division), containing by admeasurement eleven and one-quarter acres, be the same more or less, was acquired by the Reverend Alexander Stewart, a Clerk in holy orders and Incumbent for the time being of St. James Church, in Orillia, and George Henry Corbett, Doctor of Medicine, and Frank Evans, Barrister-at-Law, Churchwardens for the time being of St. James Church aforesaid, and John Perry, and John World, Merchants, and Thomas Dallas, Esquire, trustees for the time being of the Canada Presbyterian Church, in the then Village of Orillia aforesaid, to be held by the said Incumbent and Churchwardens of St. James Church, and their successors in office, and by the said trustees of the Canada Presbyterian Church aforesaid, and their successors in office appointed according to the laws and regulations of the said Canada Presbyterian Church, and to their assigns, to and for their sole and only use forever as a cemetery or burial ground; and whereas the said congregation of the said Presbyterian Church in Orillia aforesaid, have petitioned that the said lands hereinafter described to be sold and conveyed, and whereas it is expedient to authorize the same to be sold and conveyed as hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The deacons for the time being of the Presbyterian congregation in the Town of Orillia, in connection with the Presbyterian Church of Canada, and their successors in office, who are hereafter called and described as "The trustees," shall have power and are hereby authorized to sell and absolutely dispose of all and singular that certain parcel or tract of land, situate, lying, and being in the Town of Orillia, in the County of Simcoe, containing by measurement one acre be the same more or less, and which may be known and described as follows, that is to say: Being composed of lots numbers four and five, south of Colborne Street, in the third range, as per plan of survey, of said lots, which said lots form part of the broken lot number nine in the fifth concession of the southern division of the Township of Orillia, and contiguous to and adjoining the original town plot of the Village of Orillia, in such manner, and at such times, and in such portions, and upon such terms and conditions as the trustees aforesaid may deem proper, free and discharged from the trusts upon which the said parcel or tract of land is now held, and to convey the same in fee simple to the purchaser or purchasers, and to receive and grant valid discharges for the purchase money, and to take mortgages for securing any unpaid portion of such money, and to enforce or assign any such mortgage.

Trustees may
sell certain
lands in
Orillia.

2. Before carrying out any sale of the said lands by this Act authorized to be sold, or of any portion of the same, the trustees aforesaid shall publish a notice once a week for four weeks, in a newspaper published in the said Town of Orillia, of their intention to remove the remains of the dead now interred in the said lands, to the new cemetery or burial-ground on the north-west corner of lot number seven, in the fourth concession of the said Township of Orillia (southern division); and after the due publication of such notice, the trustees aforesaid shall have full power and authority forthwith to remove of their own accord, and without giving any further or other notice to the friends or relatives of the dead now interred in the said lands by this Act authorized to be sold, all the remains of the dead then remaining interred therein to the new cemetery or burial-ground aforesaid; and the remains of the dead so removed shall be re-interred in the new cemetery or burial-ground aforesaid, by and at the expense of the trustees aforesaid, in burial places or lots corresponding in size as nearly as may be with those from which such remains shall have been removed, and the remains shall be re-interred decently and in order, and, so far as reasonably may be, with due regard to the wishes and desires of any friends of the deceased, as to the manner of such removal and re-interment.

Notice of intention to remove the remains of the dead to be published;

And after notice, the remains may be removed to the new cemetery.

3. Any party or parties owning a burial lot or lots in the said lands by this Act authorized to be sold, shall, upon request, be entitled to receive a conveyance of a burial lot or lots in the new cemetery or burial-ground aforesaid, to be selected

Rights of owners of lots.

for

for such party or parties by the trustees aforesaid, corresponding in size as nearly as may be with the lot or lots now owned by said party or parties respectively in the said lands by this Act authorized to be sold ; and the lot or lots of which the said party or parties respectively shall be entitled to receive a conveyance as aforesaid, are to be accepted by them respectively in lieu of the lots now owned by them respectively in the said lands by this Act authorized to be sold ; and in lieu of all right, title, claim, interest, or demand, they or any of them may have in respect thereof, and the said lands by this Act authorized to be sold, are hereby vested in the Trustees aforesaid absolutely ; and they are hereby authorized to sell and convey the said lands as aforesaid, free and discharged of and from all right, title, interest, claim, and demand of any such person or persons as may now own lots for burial purposes in the said lands by this Act authorized to be sold as aforesaid.

Application
of purchase
money.

4. The trustees aforesaid, shall apply the proceeds of the sale or sales of the said lands, or of such parts as may be sold after deducting all expenses connected with the sales and the conveyances thereof, in payment of all expenses incurred in obtaining this Act, and in carrying out the provisions thereof, and the balance thereof either in payment of the share of the said congregation of any debt that may be existing upon the new cemetery or burial-ground aforesaid, or to such other purposes of a permanent nature for the benefit of the congregation as the said Presbyterian Congregation of Orillia aforesaid, may by resolution duly passed by a majority of the members of the said congregation, at a meeting of the said congregation duly called for that purpose, direct and require.

Liability of
purchasers.

5. The purchaser or purchasers of the said lands or any part thereof, shall not be in any way bound to see to the application of the said purchase money, or any part thereof, nor to enquire into the regularity of the proceedings at the election of the deacons for the time being, at the time of such sale or sales.

CHAP. 58.

An Act respecting the Roman Catholic Episcopal Corporation of the Diocese of Hamilton.

[Assented to 2nd March, 1877.]

Preamble.

8 V. c. 82.

WHEREAS by an Act passed in the eighth year of the reign of Her Majesty Queen Victoria, chaptered eighty-two, entitled "An Act to Incorporate the Roman Catholic Bishops

Bishops of Toronto and Kingston in Canada, in each diocese," it was enacted amongst other things that whenever it might be deemed expedient to erect any new diocese or dioceses in that part of the then Province of Canada, formerly called Upper Canada, the Bishop or Bishops of each new diocese or dioceses, and his or their successor or successors for the time being should have the same powers as are by the said Act conferred upon the said Bishops of Kingston and Toronto, respectively: And whereas in pursuance of the authority conferred by the said Act, a new diocese was in the year of our Lord one thousand eight hundred and fifty-six, erected in Upper Canada, called the Diocese of Hamilton: And whereas the Right Reverend Peter Francis Crinnon, Doctor of Divinity, the Bishop of the said Diocese of Hamilton, has petitioned that the said Act may be amended and it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said The Right Reverend Peter Francis Crinnon, Doctor of Divinity, and his successors being Bishops of the Diocese of Hamilton aforesaid, in communion with the Church of Rome, shall be and are hereby declared to be a body corporate by the name of The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, in Ontario, enjoying all the powers and privileges, and also subject to the provisions contained in the said Act, passed in the eighth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-two.

The Bishops of Hamilton to be a body corporate.

2. The said The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, in Ontario, shall have vested in it the soil and freehold as well as the fee of all lands, tenements and hereditaments to and of all burial grounds, churches and chapels, held in the name of or conveyed to The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, in Upper Canada or Ontario, or to The Right Reverend John Farrell, the late Bishop, or to The Right Reverend Peter Francis Crinnon, the present Bishop of the said Diocese, or to any trustee or trustees, or clergyman, or other person or persons for the purposes of said Roman Catholic Churches now in said Diocese of Hamilton.

Corporation may hold lands, &c.

3. In addition to the powers conferred by the said Act on any new Diocese so erected under the authority of said Act, the said The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, in Ontario, shall have power to borrow moneys on mortgage security of the real estate of said Corporation, for the purpose of erecting, finishing, enlarging or repairing of any church or clergyman's residence, erected or to be erected, and for enlarging the same, or to pay off any debt which may have been or may be incurred, subject to a compliance

May borrow money, &c.

pliance with the requirements of the fifth section of the said Act respecting the execution of deeds, conveyances, leases and assignments thereby authorized to be made.

Mortgage already given to be a lien on land of Corporation.

4. All moneys borrowed by and in the name of the said Corporation for which mortgages have been given on the real estate of the Corporation in conformity with the requirements of the fifth section of the said Act, shall form a lien, and are hereby created incumbrances on the lands covered by such mortgages, and the said The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, in Ontario, is hereby declared to be bound for the payment of the same notwithstanding that at the time of the execution of such mortgages the said Corporation had no power to borrow money on mortgage; and this Act shall not be held to relieve or discharge the said Corporation of the Diocese of Hamilton, of or from any liability or claim now existing against the same.

Act to be read with 8 V. c. 82.

5. This Act and the said Act passed in the eighth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-two, shall be read together and with the amendments hereby made form one Act, so far as the said The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, in Ontario, is concerned.

CHAP. 59.

An Act to Incorporate The William Hall Peterborough Protestant Poor Trust.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS William Hall, in his lifetime of the Town of Peterborough, merchant, previous to his death expressed the desire that the sum of thirty thousand dollars should be settled for the benefit of the Protestant Poor of the said Town of Peterborough, but died without having made any will to that effect: And whereas the heirs-at-law and next of kin of the said William Hall, in order to carry out the said expressed desire, entered into a certain trust deed whereby it was provided that Robert Nicholls, of the said Town of Peterborough, merchant, the trustee therein named, should pay to the board of trustees therein named, the sum of thirty thousand dollars, for the purpose of forming a fund to be invested in stocks, mortgages on real estate, municipal debentures or any of them, and that the annual income or dividends arising therefrom should be expended for the benefit of the Protestant Poor who should be actual and *bona fide* residents of the said Town of Peterborough, in such manner as such board of trustees

tees and their successors should think best, such board to be composed of four members of the Presbyterian Church in Canada, one member of the United Church of England and Ireland, one member of the Wesleyan Methodist Church in Canada in connection with the English Conference, one member of the Regular Baptists denomination, and one member of the Bible Christian Church in Canada, and that the first board of trustees should be composed of Frederick William Haultain, of the said Town of Peterborough, Registrar of the County of Peterborough; William Taylor, of the same place, Physician; Robert Fairbairn of the same place, Insurance Agent, and Robert Dennistoun of the same place, Judge of the said County of Peterborough, as representing the Presbyterians; and of Alfred Passmore Poussette, of the same place, Barrister, as representing the Episcopalians; and of Thomas Willan Robinson, of the same place, Merchant, as representing the Methodists; and of Alexander Gillespie of the same place, Machinist, as representing the Baptists; and of William Yelland of the same place, Carriage maker, as representing the Bible Christians; and that the manner of succession should be such as might be determined by the said board having due regard to the continual representation on such board of the several denominations in the proportions above prescribed and set out by persons being actual members or adherents respectively of the said several denominations: And that the action of the board within those powers should be determined by a majority of those present, of which meeting all should have had notice by letter or circular, mailed at Peterborough five clear days previous to the holding of such meeting, addressed to the proper post-office address of such trustees respectively until such board should otherwise determine, and that it should be competent if such trustees should deem it to be expedient, to obtain an Act of Incorporation on the said basis, and to defray the necessary expense thereof out of the income of such fund, and that no permanent salaries should be paid out of the said fund, income or dividends, but only such incidental expenses as might be necessary to its proper management, and that it should not be incumbent on the board to expend the whole income or dividends of each year, in such year, and that said fund should not be reduced for any purpose: And whereas the said first board of trustees have petitioned that an Act might be passed incorporating them into an association upon the basis of the provisions of the said trust deed, under the name of "The William Hall Peterborough Protestant Poor Trust:" And whereas it is expedient to grant the prayer of the said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the said Frederick William Haultain, William Taylor, Robert Fairbairn, Robert Dennistoun, Alfred Passmore Poussette, ^{Incorporation} of Trust.

sette

sette, Thomas Willam Robinson, Alexander Gillespie, and William Yelland and their successors shall be, and they are hereby constituted a body corporate and politic, by and under the name and style of "The William Hall Peterborough Protestant Poor Trust," and by that name they and their successors shall be capable of suing and being sued, of contracting and being contracted with, and shall have perpetual succession and a common seal.

First Board
of Trustees.

2. The said Frederick William Haultain, William Taylor, Robert Fairbairn, Robert Dennistoun, Alfred Passmore Poussette, Thomas Willam Robinson, Alexander Gillespie, and William Yelland, shall be and they are hereby constituted the first board of trustees of the said Trust.

Constitution
of Board.

3. The said Trust shall consist of a board of eight trustees, all resident in the County of Peterborough, four of whom shall be chosen from members or adherents of the Presbyterian Church in Canada, one from members or adherents of the United Church of England and Ireland, one from members or adherents of the Wesleyan Methodist Church in Canada, in connection with the English conference, one from members or adherents of the Regular Baptists denomination, and one from members or adherents of the Bible Christian Church in Canada.

Chairman and
Officers of
Board.

4. The said board of trustees shall, at their first meeting, elect one member thereof to be chairman of the said board, and shall appoint a secretary and a treasurer, or such offices may be held jointly if the said board of trustees so determine, and a member of the said board shall be eligible for either of said offices.

Vacancies in
Board.

5. In the event of any of the said trustees or any future trustees dying or resigning or becoming incapable of acting, or disqualified by reason of his ceasing to be a member of the church or denomination which he represents, or of his ceasing to reside in the said County of Peterborough, a successor to such trustee so dying or resigning or becoming incapable or disqualified, shall be appointed by the remaining trustees, at a meeting to be called for the purpose, in manner following:—Upon the happening of any of the events aforesaid, it shall be the duty of the secretary of the said board to forthwith notify the minister of the congregation to which such trustee so dying, or resigning, or becoming incapable or disqualified belonged, and such minister shall, as soon thereafter as convenient, call a meeting of his congregation in the manner in which it is usual to call congregational meetings according to the ordinances of his church, for the purpose of electing a successor to the trustee so dying, or resigning, or becoming incapable or disqualified, and such new trustee shall be elected by the majority of members of the said church present at the said meeting, and the said minister shall thereupon certify such election to the secretary of the said board.

6.

6. On the first Monday in February, in each year, or on ^{Annual meet-} such other day in each year as may be named in any resolution ^{ing.} of the said board, a meeting of the said board of trustees shall be held for the purpose of electing a chairman for the ensuing year, at which meeting five members of the said board shall form a quorum, and the then chairman shall be eligible for re-election.

7. The said board of trustees may at any meeting thereof ^{By-laws} called for the purpose, at which meeting five members shall form a quorum, make such proper rules and by-laws for the government of the same as the majority of members present at such meeting deem expedient, so as such rules and by-laws are not repugnant to the provisions of this Act.

8. It shall be lawful for the said board of trustees to invest ^{Investment of} the funds of the said trust in stocks, mortgages on real estate, ^{funds.} or municipal debentures, or partly in one and partly in another.

9. The said Trust may take and hold any real estate or ^{Real estate} securities thereon, *bona fide* mortgaged or assigned to it to ^{may be held} secure the payment of any loans or advances or debts due to it, ^{by trust.} and may proceed on such mortgages, assignments or other securities for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, and generally may pursue the same course, exercise the same powers, and take and use the same remedies to enforce the payment of any debt or demand due to the Trust as any person or body corporate may by law take or use for a like purpose: but no lands or tenements acquired by gift, devise or bequest, and not required for the actual use or occupation of the Trust, shall be held by the Trust for a longer period than seven years after the acquisition thereof; and within such period the same shall be absolutely disposed of by the Trust; and the Trust shall have power within such period, in the name of the Trust to grant and convey the said lands or tenements to any purchaser, so that the trust do no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages on land, for the use of the Trust; and any lands, tenements, or interests therein, required by this Act to be sold and disposed of by the Trust, but which may not, within the said period, have been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns.

10. It shall be the duty of the said board of trustees to hold ^{Quarterly} a meeting at least once a quarter for the transaction of busi- ^{meetings.} ness, at which meeting three of the said trustees shall form a quorum, and the chairman or in his absence a chairman chosen by the members present shall preside at such meeting.

Special meetings.

11. The chairman of the said board may at any time call a meeting of the said board of trustees, and notice thereof or of any other meeting shall be given by letter or circular, mailed at Peterborough, five clear days previous to the day appointed for such meeting, addressed to the proper post-office address of the said trustees respectively.

Funds to be deposited.

12. The funds of the trust shall from time to time be deposited in some chartered bank to the credit of the Trust, and all payments on account of the Trust shall be made by cheques upon such bank.

How interest to be expended.

13. The interest, dividends, and annual produce arising from the investment of the said funds shall be expended by the said board for the benefit of the Protestant Poor who shall be actual and *bona fide* residents of the Town of Peterborough.

Aid may be granted.

14. It shall be lawful for the said board to grant aid to any Home or Institution for the Protestant Poor in the said Town of Peterborough.

Persons aided to be resident.

15. No application for aid shall be entertained by the said board unless accompanied with satisfactory proof that the applicant has been an actual and *bona fide* resident of the said Town of Peterborough, for at least one year previous to his application, and that he is a protestant, and with a certificate of some minister to the effect that such applicant is deserving of the aid asked for.

No salaries to be paid.

16. It shall not be lawful for the said board to pay any permanent or fixed salaries out of the said income, but they may incur and pay such incidental expenses as may be necessary to the proper management of the Trust.

Whole income need not be expended.

17. It shall not be incumbent on the said board to expend the whole income of any year in such year.

Trust fund not to be diminished.

18. The said trust fund shall not be diminished for any purpose.

Annual statement.

19. The rules of the board shall provide that the secretary and treasurer thereof shall once at least in every year prepare a general statement of the funds and effects of or belonging to the trust, specifying in whose custody or possession such funds or effects are then remaining, together with an account of all sums of money received and expended by and on account of the Trust since the publication of the preceding periodical statement.

To be audited.

20. Every such periodical statement shall be attested by two auditors appointed for that purpose, and shall be countersigned by the chairman, secretary and treasurer of the board, and shall

shall be published at least twice in one or more of the newspapers published in the Town of Peterborough.

21. The said board of trustees shall not be answerable and accountable for any banker, broker, or other person with whom any trust moneys, or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss unless the same shall happen through their own wilful default. Liability of trustees.

CHAP. 60.

An Act for the Incorporation of the Conference of the Christian Church in Ontario.

[Assented to 2nd March, 1877.]

WHEREAS J. L. Russ, R. Kirton, and T. Garbutt, have by their petition set forth that for many years certain persons have associated themselves in this Province under the name of "Christians" or the "Christian Church in Ontario," and that it is desirable for the purpose of managing the necessary affairs of the said Association, it should be incorporated under the name of the Conference of the Christian Church in Ontario, and it is proper that the prayer of such petition should be granted; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. L. Clark, T. Garbutt, J. Graham, C. H. Hainer, T. Henry, W. Henry, J. Maclin, W. Percy, B. J. Rogers, J. L. Russ, J. Van Camp and R. Wright, and all other persons who are now or who may hereafter become members of the said Conference, according to the principles and usages of the said denomination, shall be and are hereby constituted a body politic and corporate under the name of The Conference of the Christian Church in Ontario. Incorporation and corporate name.

2. The said Conference so incorporated may establish districts and district meetings, connecting a number of Churches as many as may be convenient, the said districts being numbered 1, 2, 3, 4, &c., and the general business of each district being transacted by a board appointed or constituted and regulated by the rules, by-laws, and regulations established by the said Conference as hereinafter provided. District Boards

3. The said Conference may establish a Missionary Fund, a Superannuated Preacher's Fund, an Educational Fund, a Fund Missionary and other funds.
for

for book and publication purposes, and may appoint boards or committees, consisting of the members of the said Conference; which said boards or committees shall respectively take charge of, deal with, and dispose of, the said respective Funds in accordance with the rules and regulations established by the said Conference, and the said Conference may establish whatever other boards or committees it may deem necessary and expedient to transact any particular or special business connected with said Conference.

By-laws.

4. The said Conference may make, establish, and put in execution, alter or repeal, such by-laws, rules, and regulations not contrary to the laws of this Province, as may appear to the said Conference necessary or expedient for the interests thereof, for the government and regulation of the business of the said Conference, the Churches, district meetings, and boards or committees.

Corporation
may acquire
and sell lands,
&c.

5. The said Conference, under the name of the Conference of the Christian Church in Ontario, may acquire and accept by any description of title, lands and tenements, real and personal property, for the actual use and benefit of the said Conference, and for missions, chapels, parsonages, and other religious and benevolent purposes, and may sell and alienate any property acquired and accepted, and apply the proceeds thereof to the use of the said Conference or the promotion of the Gospel, and may mortgage any such lands and tenements; and such acquisition, sale, or mortgage of such real property shall be in accordance with the provisions of the Act passed by the Legislature of the Province of Ontario, in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and thirty-five and intituled "An Act respecting the property of Religious Institutions," so far as its provisions are not inconsistent with this Act.

36 V. c. 135.

Real Estate.

6. The real and other property held by or in trust for any congregation united with or under the said Conference before the passing of this Act, and being in existence at the time of the passing thereof, as soon as the provisions respecting the execution and registration of the declaration set out in the eighth section of this Act are complied with, is hereby declared to have become vested in trust for the use of the said Conference as fully and effectually as if the same was originally vested in or held in trust for the said Conference.

Registrar on
of deeds.

7. From and after the passing of this Act it shall not be necessary for the trustees of any congregation of the said Christian Church in Ontario to register a duplicate of the deeds of their Church property in the full length and form of the model deed annexed to this Act, but simply to fill up and duly execute and register, in duplicate, a form similar to the second Schedule hereto annexed, which form or Schedule shall and does imply
all

all the provisions, and shall be taken to have the same effect and be construed as if it contained the same words contained in said model deed: the fee payable to the Registrar in each case for the registration of the short form or reference deed as contained in the second Schedule of this Act including all entries and certificates, shall be fifty cents.

8. From and after the passing of this Act the trustees of the several congregations in Ontario in connection with the said Conference, by whatever name they may hold the lands conveyed to them under deeds containing trusts, provisions, conditions, and agreements, differing from those set out in the model deed, set out in the first Schedule to this Act, may, with the consent of the majority of the congregation given at a meeting of such congregation regularly called therefor, register in the registry office of the County where the lands so held by them respectively are situated, a declaration signed by a majority of the said trustees in the form or to the effect of that set out in the third Schedule to this Act, and thereupon the lands described in said declaration shall be held by them as such trustees by the name set out in said declaration under and upon the like trusts and for the purposes and under the directions and provisions set out in the first and second Schedules hereto annexed, in every particular as are therein expressed, contained, and declared; saving and excepting always any lien that may have been acquired by any person or corporation prior to the passing of this Act: The fee payable to the Registrar for the registration of such declaration including all entries and certificates thereof, shall be fifty cents.

Form of Registration.

9. The said Conference under the name of the Conference of the Christian Church in Ontario, and any trust in connection with the said Conference of the Christian Church in Ontario, and any religious or charitable scheme of the said Conference, may by the name thereof, or by trustees from time to time, take by gift, devise or bequest any lands or tenements, or interests therein, provided such gift, devise or bequest be made at least six months before the death of the person making the same; but the said Conference, and the said religious or charitable schemes of the said Conference, shall at no time take by gift, devise or bequest, lands or tenements, or any interest therein, the annual value of which, together with that of all other lands and tenements theretofore acquired by like means, and then held by the said Conference, or by the particular scheme in favour of which such gift, devise or bequest may be made, shall exceed in the whole one thousand dollars; nor shall the said Conference, or any of the religious or charitable schemes of the said Conference, at any time take by gift, devise or bequest, lands or tenements the annual value of which, and of all the other real estate of the said Conference, or of the particular scheme in favour of which the gift, devise or bequest is made, shall together exceed five thousand dollars; and no lands or tenements acquired

Power to hold lands by devise limited.

acquired by gift, devise or bequest within the limits aforesaid, but not required for actual use or occupation, shall be held for a longer period than seven years after the acquisition thereof, and within such period the same shall be absolutely disposed of, and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages on land; and any lands, tenements or interests therein required by this Act to be sold and disposed of, but which may not have been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns.

Schedules to be
part of Act.

10. The Schedules and the directions and forms herein contained shall be deemed parts of this Act.

SCHEDULE FIRST,

(Provisions of the Model Deed.)

This Indenture made (in duplicate) on the day
of one thousand eight hundred and
in pursuance of the Act passed by the Legislature of Ontario,
in the fortieth year of the reign of Her Majesty Queen Victoria,
chaptered sixty, and in pursuance of the Act respecting short
forms of conveyances between
hereinafter called the
grantor of the first part and
wife of the said party of the
first part of the second part and
hereinafter called the grantees of the third part, witnesseth
that the said grantor for and in consideration of the sum of
dollars of lawful money
of Canada now paid by the grantees to the said grantor the
receipt whereof is hereby acknowledged, the said grantor
do grant unto them the said grantees, by the name and
style of the Trustees of the congregation of the
Christian Church in Ontario in the of in
the County of and Province of Ontario, and
their successors in the said trusts for ever, all and singular that
certain lot, parcel or tract of land situate, lying and being in
the
in the County of and Province aforesaid, and
which may be more particularly known and described as follows,
that is to say: *(description of lands.)*

1. To have and to hold all and singular the above mentioned
and described piece or tract of land and premises so situate,
lying and being as aforesaid, together with all and singular the
houses, outhouses, woods, ways, water-privileges and appurten-
ances, belonging thereunto, or in any wise appertaining, unto
them, the said parties of the second part and their successors in the
said

said trust, forever, for the site of a church or place of worship and burying ground, for the use of the members of the said Christian Church in Ontario, according to the rules and discipline of the said Christian Church in Ontario, in trust and confidence that they shall and will at all times hereafter forever permit all and every the ministers of the said Christian Church in Ontario, who are or who may hereafter be duly licensed or otherwise authorized by the Conference of the said Christian Church in Ontario, to preach and to perform divine service in said house, and burial services in said burial ground, according to the rules, discipline and customs of said Church.

2. And in further trust and confidence that the said trustees for the time being shall if they think fit, but only with the consent of the majority of the congregation given at a meeting of such congregation regularly called therefor, permit the regular minister of any other Protestant denomination of Christians to preach and perform Divine service in the said house, when it shall not be required for the use of the ministers or for religious services of the said Christian Church in Ontario.

3. And also in further trust and confidence that, with the consent and approval of the majority of the congregation using and occupying said premises under the trusts aforesaid, the said trustees for the time being, or a majority, shall and may at any time or times, or at any such times as they or a majority of them shall deem expedient, set apart and appropriate so much of the above granted and described premises as may be necessary for the use and purposes of a parsonage or place of residence for the ministers of the said Christian Church in Ontario, and to build or cause or allow to be built thereon, fit and proper buildings for said purposes.

4. And in further trust and confidence at all times to permit and suffer such minister or ministers of the aforesaid Christian Church in Ontario, to reside in, use, occupy, and enjoy free from the payment of any rent for the same, the said tract of land and dwelling house or dwelling houses, with the appurtenances erected thereon for the purpose, so long as said minister or ministers shall retain their appointment for the district in which the same may be situated, and continue in good standing with the Conference without dismissal or suspension therefrom, and no longer.

5. And further, to cause such repairs as from time to time may be deemed necessary and proper to be done to said property, or to make agreement with the minister in possession relative thereto.

6. And in further trust and confidence, to sell the said lands and premises with the consent of the said Conference, if at any time the membership of the said congregation at

should

should be reduced to or below the number of ten members, for the best price that can be reasonably obtained for the same, and to apply the money which shall arise from such sale, so far as the same will extend, to the discharge of all lawful incumbrances on the said premises, or liabilities of the said congregation, and in trust and confidence to pay over the balance of the proceeds of said sale to the Conference of the Christian Church in Ontario, to be used by the said Conference for promoting the preaching of the Gospel in connection with the said Christian Church in Ontario.

7. Provided always, and it is hereby declared to be the true intent and meaning of this Indenture and of the parties hereto, that if any of them, the said trustees, or any future trustee or trustees to be appointed under the present provision, shall die, or if any of them shall remove to and reside beyond the distance of twenty miles from said premises, and continue to reside beyond such distance from such premises for the space of two years, or shall cease to be a member of the said Christian Church in Ontario, or shall be convicted of felony or any other crime, or shall refuse or decline, or otherwise become incapable of acting as trustee or trustees when and as often as the same shall happen, the district board of the district in which the said property is situated, or if the same be without a district then the said Conference shall within one year from the time of their being officially notified by the other trustees, appoint from among the members of the said congregation one or more trustees, to serve in the room and stead of those who have ceased to be such trustees; but if the said trustees shall fail to give to the said district board, or Conference, as the case may be, notice of such vacancy or vacancies above referred to, the said district board or Conference, as the case may be, on becoming aware of such vacancy or vacancies by any means, shall appoint a trustee or trustees, to fill the place of such trustee or trustees as have become disqualified or ceased to act: And the trustee or trustees so appointed shall be held and deemed the lawful successor or successors of the said above-named trustees of the second part, and shall have in perpetual succession the same capabilities, rights, powers, and duties as are given to the said above-named trustees in and by this Indenture, and to the intent and end that evidence of the due nomination and appointment of succeeding trustees in the said trust may be preserved, the trustees for the time being are hereby required to keep a book of record in which the name or names of any person or persons nominated and appointed as aforesaid and also the manner of the nomination and appointment and all the proceedings relating thereto shall be entered therein.

8. The said grantor covenant with the said grantees, that he ha the right to convey the said land to the said grantees notwithstanding any act of the said grantor and that the said grantees shall have possession of the said lands free from all incumbrances:

brances: And the said grantor covenant with the said grantees that he will execute such further assurances of the said lands as may be requisite: And the said grantor covenant with the said grantees that he will produce the title deeds enumerated hereunder and allow copies of them to be made at the expense of the said grantees. And the said grantor covenant with the said grantees that he ha done no act to incumber said lands: And the said grantor release to the said grantees, all claims upon the said lands. And the said wife of the said grantor hereby bars her dower in the said lands.

SECOND SCHEDULE.

(Directions as to the forms in this Schedule: *Parties who use this form will observe that it is made out for dower. When the grantor or grantors are unmarried the dower will be erased, in that case the grantees (trustees) become the parties of the second part.*)

This Indenture made, (in duplicate) on the day of one thousand eight hundred and in pursuance of the Act passed by the Legislature of Ontario, in the fortieth year of the reign of Her Majesty Queen Victoria, chaptered sixty and in pursuance of the Act respecting Short Forms of Conveyances between

hereinafter called the grantor of the first part and wife of the said party of the first part of the second part and

hereinafter called the grantees of the third part, witnesseth that the said grantor for and in consideration of the sum of dollars of lawful money

of Canada now paid by the grantees to the said grantors, the receipt whereof is hereby acknowledged, the said grantor

do grant unto them the said grantees, by the name and style of the trustees of the congregation of the

Christian Church in Ontario in the of in the County of and Province of Ontario, and

their successors in the said trusts for ever, all and singular that certain lot, parcel or tract of land situate, lying and being in the

in the County of and Province aforesaid, and

which may be more particularly known and described as follows, that is to say: (*description of lands.*) Now this Indenture further witnesseth that the lands described herein shall be held by the said trustees and their successors for the purposes and under the directions and provisions of the model deed referred to in an Act passed by the Legislature of Ontario, in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered sixty under and subject to such and the same powers, provisions, declarations and agreements, and to be controlled and managed by

the trustees acting in the same manner and with the same duties and restrictions in every particular as are expressed in the said model deed.

And the said _____ wife of the said grantor, hereby bars her dower in the said lands.

In witness whereof the said parties to this Indenture have hereunto set their hands and seals.

Signed, sealed, and delivered in presence of

THIRD SCHEDULE.

Declaration made in pursuance to section eight of an Act passed by the Legislature of the Province of Ontario, in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered—

Know all men by these presents that whereas we (*names of trustees*), holding lands and premises hereinafter set out, as (*give name of trustee board in deed granting to them*), in pursuance of section eight of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, chaptered sixty, and with the consent of the majority of the congregation given at a meeting of such congregation regularly called therefore, do hereby declare that from and after registration hereof, we hold the said lands and premises under the provisions of the model deed annexed to the said Act, under the name of the trustees of the congregation of the Christian Church in Ontario, at _____ and the said lands and premises are described as follows, that is to say (*insert description.*)

In witness whereof we have hereunto set our hands and seals, this _____ day of _____ A.D., 18

Signed, sealed, and delivered in presence of

CHAP. 61.

An Act to incorporate the Ontario Methodist Missionary Society of the Methodist Episcopal Church in Canada.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the Methodist Episcopal Church in Canada has, through its several annual Conferences for many years, founded and promoted Christian missions in different provinces of the Dominion; and whereas the General Conference of said Church, composed of delegates elected by the several annual Conferences according to the book of discipline of

of the said Church, and the constitution of said bodies, at its regular Quadrennial Session held in the Town of Napanee, in the year of our Lord one thousand eight hundred and seventy-four, determined to enlarge and strengthen the mission work of the Church, and to this end organized a Missionary Society, prescribed the constitution thereof, and directed that for the furtherance of its objects, an Act be sought incorporating said Society; wherefore upon the petition of the Rev. Albert Carman, D.D., Bishop of the Methodist Episcopal Church in Canada, setting forth the facts cited above in behalf of the said General Conference and the said Missionary Society;

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Rev. A. Carman, Rev. W. D. Hughson, Rev. S. G. Stone, Rev. S. Morrison, Rev. E. Lounsbury, Rev. W. Benson, Rev. W. Pirritte, Rev. T. Argue, Rev. I. B. Aylsworth, Rev. W. Brown, and Messrs. A. Buck, M.D., of Palermo, J. C. Huffinan, of Napanee, and J. R. Neff, of St. George, the present Missionary Board of the Methodist Episcopal Church in Canada, under the constitution prescribed by the General Conference as aforesaid, and Rev. J. Gardiner, Rev. J. Curts, Rev. D. Wilson, and Messrs. E. S. Whipple, of Hamilton, S. M. Thomas, of Brooklyn, and Chas. Lane of Napanee, associated with the Board aforesaid, for the purpose of incorporation, they, their associates and successors in perpetuity, to be appointed as hereinafter provided, shall be, and they are hereby constituted and declared to be a body politic and corporate, for the prosecution of the mission work of the Methodist Episcopal Church in Canada, under the style and title of the Ontario Missionary Society of the Methodist Episcopal Church in Canada, and it shall be competent for the Corporation thus established to adopt a corporate seal, with power to make, break, renew and change the same, and to authorize and direct any two of its executive officers to execute with said corporate seal, any deed, bond, note or instrument of any legal kind whatsoever, expressed or implied in or necessary for the transactions and powers cited in this Act, and for the purposes of the said Corporation; Provided, that said executive officers shall not use or affix said seal without the authority and sanction of said Corporation, or its committee or committees vested with powers therein: Provided also, that said executive officers shall not be held personally liable in their own property or effects, for any act of the Corporation or its boards or committees.

Incorporation
and corporate
name.

2. The said Corporation may from time to time, and at all times, acquire and hold as purchasers any interest in lands, tenements, or other property real or personal, and the same alienate, lease, mortgage and dispose of, provided the proceeds of any and all such transactions accrue directly or indirectly to the benefit of the mission work of the said Methodist

Corporation
may hold
lands, &c.

dist Episcopal Church in Canada; they may also effect such loans and accept such trusts and deposits as shall accrue to the benefit of said mission work; and the said Corporation may by the name aforesaid, receive and hold any gift, devise, or bequest of any lands, tenements, securities, money or other property, or interest or interests therein, and may dispose of the same by any legal process whatsoever; Provided as before, that the proceeds in all the cases accrue to the benefit of said Mission work; Provided also, that any gift, devise or bequest of lands, tenements, or interests therein shall be made at least six months before the death of the testator making the same: Provided also, that the said Corporation shall not take or hold any lands, tenements, or interests therein by gift or devise so as that the annual value of the same at any one time exceeds one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest shall be held by the said Corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said Corporation, who shall have power in the name thereof to grant and convey the said lands to any purchaser, so that it no longer retain any interest therein, and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities not including mortgages for the use of the said Corporation; otherwise such lands, tenements, or interests therein, or such part thereof as has not within the said period been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns.

General Conference of M. E. Church to have control over the Corporation.

3. The General Conference of the Methodist Episcopal Church in Canada as aforesaid, as it is now constituted, or shall hereinafter be constituted under discipline of said Church, shall have full power and control over the constitution of said Missionary Society, and over the by-laws and regulations thereof, to the entire extent that such power and control existed before the passing of this Act, so as to settle the terms and conditions of membership in said Society, to appoint the officers of said Society, and to fix their remuneration when necessary as heretofore, to determine what shall be the number of members in the Missionary Board, who shall compose it, and how they shall be elected, designated or appointed; whether it shall be a Joint Board or otherwise; what shall be its powers, functions, duties and limitations; to regulate in all respects the order and manner of succession in the Corporation established by this Act, and in any and all Missionary Boards appointed to operate under its provisions and generally to direct all measures and to define the powers and duties of all officers and Boards of the Missionary Society incorporated by this Act, as, under the constitution and discipline of the said Methodist Episcopal Church, was vested in the said General Conference before the passing of this Act; the said General Conference shall also have full power

power to change its agencies in this mission work, to substitute for the Missionary Board any other form of administration at pleasure, and to regulate all internal affairs of said Missionary Society.

4. The aforesaid Rev. A. Carman, Rev. W. D. Hughson, Rev. S. G. Stone, Rev. S. Morrison, Rev. E. Lounsbury, Rev. W. Benson, Rev. W. Pirritte, Rev. T. Argue, Rev. I. B. Aylsworth, Rev. W. Brown, and Messrs. A. Buck, M.D., of Palermo, J. C. Huffman, of Napanee, and J. R. Neff, of St. George, as also the aforesaid Rev. J. Gardiner, Rev. J. Curtis, Rev. D. Wilson, and Messrs. E. S. Whipple, of Hamilton, S. M. Thomas, of Brooklyn, and Chas. Lane, of Napanee, shall till the next ensuing session of the General Conference of the Methodist Episcopal Church in Canada, constitute the Joint Missionary Board of the aforesaid Missionary Society, with the powers, functions, and duties of the Missionary Board as prescribed in the present existing constitution of the Missionary Society incorporated by this Act, and with full control of all the officers, agents, means and measures of the aforesaid Missionary Society and mission work of the Methodist Episcopal Church in Canada, unto and up till the next ensuing session of the said General Conference, General or Special; at which time, and on which occasion all power, management, and control shall fall into the hands of said General Conference as aforesaid.

Provisional
Board.

CHAP. 62.

An Act to amend the Act incorporating The Upper Canada Bible Society.

[Assented to 2nd March, 1877.]

WHEREAS the Board of Directors of The Upper Canada Bible Society has, by its petition, represented that the said The Upper Canada Bible Society has for many years made contributions in money to the British and Foreign Bible Society, to enable the said Society to circulate the Bible not only throughout the Province of Ontario, but also throughout the rest of the world, and that doubts have been expressed as to the powers of the said The Upper Canada Bible Society to make such grants, and that it is desirable to amend the Act of incorporation so as to remove such doubts and to give the Board of Directors of the said The Upper Canada Bible Society power to make grants of money to the British and Foreign Bible Society, and to make grants of money and of Bibles, and portions of Bibles to any other society which has for its object the circulation of the Bible in any part of the world; And whereas the said board has, by its said petition, also represented that it is desirable to give the said The Upper Canada

Preamble

Canada Bible Society certain additional powers to take real estate and personalty, including what is not pure personalty by devise, bequest, grant, gift, and purchase, and to dispose of the same with a view to increase the property of the said Society and enable it thereby to extend its benefits; And whereas it is expedient to grant the prayer of the said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Directors may make grants to certain societies.

1. It shall and may be lawful for the Board of Directors for the time being of the said The Upper Canada Bible Society to make grants of money to the British and Foreign Bible Society, and to make grants of money and of Bibles and of portions of Bibles to any other society which has for its object the circulation of the Bible in any part of the world.

Society may acquire property.

2. It shall and may be lawful for the said The Upper Canada Bible Society, from time to time, to take or hold by gift, devise, or bequest, any lands or tenements or interests therein, if such gift, devise, or bequest be made at least six months before the death of the person making the same, but nothing in this clause contained shall authorize the said The Upper Canada Bible Society to take or hold by any gift, devise, or bequest so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise, or bequest under the authority of this clause, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements or interest therein acquired by gift, devise, or bequest under the authority of this clause, shall be held by the said The Upper Canada Bible Society for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said The Upper Canada Bible Society, who shall have power to grant and convey the said lands to any purchaser, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages for the use of the said The Upper Canada Bible Society; and such lands, tenements, or interests therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators, or assigns.

Act not to interfere with existing rights under 18 V. c. 230.

3. This Act shall not be construed so as in anywise to repeal take from or diminish any of the rights, powers, or privileges granted to the said The Upper Canada Bible Society by its Act of Incorporation, but on the contrary any rights or privileges conferred by this Act shall be construed as supplementary and in addition to those conferred by said Act of Incorporation.

How funds shall be used.

4. The funds of the said Society may and shall be used for the purposes authorized by its Act of Incorporation and by this Act.

CHAP.

CHAP. 63.

An Act to amend the Act of Incorporation of the Canadian Literary Institute of Woodstock.

[Assented to 2nd March, 1877.]

WHEREAS the Canadian Literary Institute of Woodstock Preamble.
 have prayed to be empowered to raise a sum of money,
 not exceeding ten thousand dollars, on property held by the
 Corporation, and for other amendments to their Act of Incorporation; and whereas it is expedient to grant their prayer; 20 V. c. 217.

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

1. The Trustees of the Canadian Literary Institute, by by-law, sanctioned by a vote of at least three-fifths in number of the said Trustees, may declare that the number of the Trustees of the said Corporation shall, from a date to be stated in the said by-law, be increased to twenty-one, and from such date the number of such Trustees shall be twenty-one; and at the next election to be held after such by-law goes into effect, the subscribers to the funds of the Institution who are eligible to vote shall, in addition to the other five Trustees to be elected, elect six other Trustees of whom two shall hold office for one year; two for two years, and the other two for three years; and at every subsequent annual meeting seven Trustees shall be elected in the manner prescribed by the said Act of Incorporation, and shall hold office for three years. Trustees.

2. Two-thirds of the said Trustees shall belong to the denomination of Christians called Regular Baptists. Two-thirds of Trustees to be Baptists.

3. Hereafter the annual meetings of the subscribers of the said Institution shall be held at such time and place as the Trustees shall from time to time by by-law appoint. Annual meetings.

4. The said Corporation may from time to time raise, by way of loan, any sum of money they may require for the purposes of the said Corporation, provided that the total amount borrowed shall not at any time exceed the sum of ten thousand dollars, and for securing the repayment of such borrowed money the Corporation may, under their corporate seal, grant a mortgage or mortgages on their property, anything in the said Act of Incorporation to the contrary notwithstanding: The mortgagee or mortgagees shall not be bound to see to the application of the money lent. Loan not to exceed \$10,000.

20 V. c. 217
amended.

5. The first section of the said Act of Incorporation being chapter two hundred and seventeen of the statutes of the late Province of Canada, passed in the twentieth year of Her Majesty's reign, is hereby amended by striking out the words "by the name of the Trustees of the Canadian Literary Institute," where they occur in the twenty-first and twenty-second lines of the said section, and substituting the words "by the said name" in lieu thereof.

27-28 V. c.
143, repealed.

6. The Act passed in the Session of the Parliament of the said late Province, held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chapter one hundred and forty-three, intituled "An Act to amend the Act of Incorporation of the Canadian Literary Institute of Woodstock," is hereby repealed.

CHAP. 64.

An Act to Incorporate Alma College, at St. Thomas.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS upon the petition of the Reverend Albert Carman, D.D., Bishop of the Methodist Episcopal Church in Canada; Rev. W. G. Brown, Rev. James Gardiner, Rev. W. D. Hughson, and Rev. John N. Elliott, ministers of said Church; and D. Hughes, Esq., of St. Thomas, in the County of Elgin, of the Province of Ontario, and Judge of the said County; C. Monroe, Esq., Sheriff, and A. McLachlin, Esq., Registrar of said County, and A. Wilcox, Esq., of Springfield, it is set forth that it is the purpose of the said Methodist Episcopal Church, in Canada, to establish a Ladies' College at St. Thomas, in the County of Elgin, Province of Ontario, with a view to an enlargement in the future by the addition of a school for boys: And whereas the Niagara Annual Conference of said Church, at its regular Session in Hamilton, in April, 1876, affirmed said purpose and appointed a Provisional Board for said College: And whereas this action was officially approved and concurred in by the other Annual Conferences of the said Methodist Episcopal Church, in Canada: And whereas under the authority of the said Provisional Board, a site for said College has been secured and an agent has been employed to raise the means to erect the necessary buildings and to maintain the school: And whereas it is the prayer of the petitioners, in behalf of said Conferences and Provisional Board that for the encouragement of the project and the efficiency of the College, corporate powers be conferred: And whereas it is expedient to grant the prayer of the said petition:

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Rev. A. Carman, D.D., Rev. W. G. Brown, Rev. E. Bristol, Rev. E. Lounsbury, Rev. W. D. Hughson, Rev. J. Gardiner, Rev. J. N. Elliott, Rev. A. E. Griffith, Rev. S. Williamson, D. Hughes, Esq., Judge of the County of Elgin, C. Monroe, Esq., Sheriff, and A. McLachlin, Esq., Registrar of said County; A. Wilcox, Esq., of Springfield, John Cook, Esq., of Springfield, Hon. D. Mills, M.P., C. McDougall, Esq., M.P., J. H. Wilson, M.P.P., P. Graham, Esq., M.P.P., A. McEvoy, Esq., of Caradoc, C. G. Scott, Esq., of Strathroy, and C. Palmer, Esq., of Leamington, J. Sisk, Esq., of St. Thomas, and J. E. Smith, Esq. of St. Thomas, Rev. J. B. Aylsworth, L.L.B., of Picton, and Robert B. Carman, M.A., of Cornwall, their associates and successors in perpetuity to be appointed as hereinafter prescribed, shall be, and they are hereby constituted and declared to be a body politic and corporate for the purpose or purposes set forth in the preamble of this Act under the style and title of Alma College.

2. The Corporation thus constituted may have a corporate seal, with power to make, break, or renew the same at discretion, and shall for the purpose of paying for the real estate they may purchase under this Act, and for the erection and completion of the buildings required for the said school, and for the carrying on the business and purposes of the Corporation, borrow money on the debentures of the said Corporation, at such rates of interest and upon such terms as they may think proper; and may for that purpose make or cause to be made, debentures under the common seal of the Corporation, for sums not less than one hundred dollars, which may be payable at any place, and either to order or bearer, and may have interest coupons attached: Provided that the aggregate amount of such debentures shall not at any time exceed ten thousand dollars.

3. The Corporation constituted by this Act shall have power and liability under its name and title to sue and be sued, implead and be impleaded, answer and be answered unto, in any and in every Court holding jurisdiction in this Province, as well for the collecting of all subscriptions made for the benefit of said College or School and all pledges thereto as for the fulfilling of all contracts and debts made in behalf of said College, by said Corporation or Board or by any party or parties, acting in their name and by their authority; also for the collection of all fees, rates and other charges and income of the School: Also by the same name and title they shall be able and capable in law to receive, purchase and hold by any legal title whatsoever all such lands, tenements, possessions and property, real and personal, as may be necessary for the use and occupation of said College or School: And to receive and to hold for the benefit of said College or School any gifts or donations, special

Incorporation
and corpor-
ate name.

Powers
Corporation.

Corporation
may sue and
be sued, &c.

or

or general, and any legacies, devises or bequests of property real or personal, on any trusts that may accrue directly or indirectly to the benefit of said College or School: Also to sell, alienate and transfer any property real or personal so purchased, given, bequeathed or obtained by any legal title or process whatsoever, and to apply the proceeds of all such sales and transfers directly or indirectly at discretion to the benefit of said College or School: Provided always, and it is enacted that the said Corporation shall at no time acquire or hold as purchasers any lands or tenements or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said Corporation; and that no such gift, devise or bequest of lands or tenements or interests therein, shall be valid unless such gift, devise or bequest is made at least six months before the death of the person making the same, and the said Corporation shall at no time take or hold by any gift, devise or bequest so as that the annual value of any lands or tenements or interests therein so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements or interests therein, acquired by gift, devise or bequest, shall be held by the said Corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said Corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said Corporation; and such lands, tenements, or interests therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns.

Board of
Management.

4. The aforesaid Rev. A. Carman, D.D., Rev. W. G. Brown, Rev. E. Bristol, Rev. E. Lounsbury, Rev. W. D. Hughson, Rev. J. Gardiner, Rev. J. N. Elliott, Rev. A. E. Griffith, Rev. S. Williamson, D. Hughes, Esq., Judge of the County of Elgin, C. Monroe, Esq., Sheriff, and A. McLachlin, Esq., Registrar of said County, A. Wilcox, Esq., of Springford, John Cook, Esq., of Springfield, Hon. D. Mills, M.P., C. McDougall, Esq., M.P., J. H. Wilson, M.P.P., P. Graham, Esq., M.P.P., A. McEvoy, Esq., of Caradoc, C. G. Scott, Esq., of Strathroy, C. Palmer, Esq., of Leamington, J. Sisk, Esq., and J. E. Smith, Esq., of St. Thomas, Rev. J. B. Aylsworth, L.L.B., of Picton, and Robert B. Carman, M.A., of Cornwall, their associates and successors in perpetuity shall constitute the Board of Management of said College or School; and they shall have power to make every provision and arrangement for said Institution or Institutions of learning and shall have full control of all things pertaining thereto: They shall have full power and prerogative according to their own by-laws and regulations not conflicting with the law of this Province to
arrange

arrange all the departments, chairs, and other work of the Institution, to employ, appoint and remove all Professors, teachers and officers of the School and all agents, servants and assistants in any service whatever pertaining to the School, to regulate all salaries, fees, charges and wages, to institute such rewards and certificates as they may think expedient, to supervise and direct the internal discipline, and generally to adopt such measures as in their judgment shall promote the interests of said College or School.

5. The General Conference of the Methodist Episcopal Church of Canada as it is now constituted, under the discipline of the said Church, or as it shall be hereafter constituted under said discipline, at any of its regular Quadrennial Sessions without notice thereof, or at any special session upon notice, shall have power to supersede any or all the members of the aforesaid Corporation or Board by removing any or all of said members and appointing others in lieu thereof; the said General Conference shall also fill all vacancies in the Corporation or Board made by death, resignation, removal from the country, or otherwise: Provided always, that no person shall be removed from the Board by the said General Conference against his consent, who at the time of the proposed removal is by the action of the Board under personal obligation and liability in behalf of the Board: Provided also, that at least five members of the Board as appointed be residents of the Town of St. Thomas: Further, the said General Conference shall have power to increase or diminish the number of members of said Corporation or Board: Further, each Annual Conference of the Methodist Episcopal Church in Canada may elect annually a representative who shall have the full privileges and powers of membership in said Corporation or Board; and all Bishops of the Methodist Episcopal Church in Canada shall be *ex officio* members of the Corporation and Board of Management aforesaid.

Powers of the
Conference of
the M. E.
Church.

6. The Corporation and Board aforesaid shall have power to make, frame and enact such rules, regulations and by-laws, consistent with the statutes of this Province for its government, and the management of its own affairs as shall to it seem best: Seven members of the Board, including the President, shall be a quorum for the transaction of business: At all the meetings of the Corporation and the Board, a Bishop of the Methodist Episcopal Church of Canada shall preside; but in case no Bishop of said Church is present to preside at any authorized meeting of the Corporation or Board, those present being a quorum, may elect one of their own members for chairman: The regular meetings of the Corporation or Board shall be as determined by the body itself; but any Bishop of the Methodist Episcopal Church aforesaid, or any five members of the Board, may, upon proper notice of the business to be undertaken, call at any time a special meeting of said Corporation or Board.

Corporation
may frame
rules, &c.

CHAP. 65.

An Act to Incorporate Trinity Medical School.

[Assented to 2nd March, 1877.]

Preamble

WHEREAS Edward Mulberry Hodder, Norman Bethune, Walter Bayne Geikie, John Fulton, William Hodgson Ellis, John Edward Kennedy, Hugh Robertson, and James Algernon Temple, all of the City of Toronto, Licensed Practitioners of Medicine, Surgery, and Midwifery, have by their petition represented that they have for some years past, as professors and lecturers, conducted Trinity College Medical School as the Medical Department of the University of Trinity College, Toronto; And whereas the said Edward Mulberry Hodder, Norman Bethune, Walter Bayne Geikie, John Fulton, William Hodgson Ellis, John Edward Kennedy, Hugh Robertson, and James Algernon Temple are desirous that with a view to its continued affiliation with the University of Toronto (being the Provincial University), and for other reasons, Trinity College Medical School should be placed upon an equality with the other Medical Schools now existing in this Province, and for such purposes should have an existence separate and distinct from that of any other corporation and be invested with corporate privileges and powers, And have petitioned for an Act for that purpose; And whereas it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
and corporate
name.

1. The said Edward Mulberry Hodder, Norman Bethune, Walter Bayne Geikie, John Fulton, William Hodgson Ellis, John Edward Kennedy, Hugh Robertson, and James Algernon Temple, together with such other persons as may hereafter become members of the said corporation, are hereby constituted a body corporate and politic by the name of "Trinity Medical School," and by that name shall have a perpetual succession and a common seal, with power to break, alter or renew the same at pleasure, and may by that name contract and be contracted with, sue and be sued, plead and be impleaded in all Courts of law and equity in this Province, and may purchase, take and hold any real and personal property which may be granted, exchanged, given, devised or bequeathed to the said corporation, and may lease, mortgage or sell and convey the same at pleasure; Provided the real property held by the said corporation under this section shall not at any time exceed the value of twenty thousand dollars.

School of
Medicine.

2. The said corporation shall, in addition to the powers by this Act expressly conferred, have such other powers as may be necessary

necessary to enable them to continue and conduct within or near to the City of Toronto, a School for the teaching of the Science and Profession of Medicine, Surgery, and Midwifery by the delivery of lectures and by such other modes of imparting a knowledge of the several branches of said profession as to the said corporation may from time to time appear expedient or as the advance of medical knowledge may demand.

3. There shall be elected by and from among the members of the said corporation, in such way and manner as the said corporation may in their by-laws direct, a Dean and a Secretary; and there shall also be elected or appointed by the said corporation such professors, lecturers, and other officers as may from time to time be deemed necessary for the purposes aforesaid, who shall hold their respective offices for such time, and upon such terms and conditions as may be agreed upon between the said corporation and such persons respectively.

Officers of
Corporation.

4. It shall be lawful for the said corporation, or any member thereof, or for any other person or body corporate or politic, to found such professorships, lectureships, scholarships, medals, prizes, and other rewards, in the said School, as he or they may think proper, and the said corporation shall have power to accept any conveyance, devise, or bequest, whether of money or land, for the purposes aforesaid, or for the general purposes of the said School, or for the purpose of a museum or library in connection therewith, notwithstanding anything in the first section of this Act contained: Provided such conveyance, devise, or bequest of lands or tenements, or any interest therein be made at least six months before the death of the person making the same, and no lands or tenements or any interests therein so acquired in excess of the value in the first section named, and not required for the actual use or occupation of the corporation shall be held by the said corporation for more than seven years from the date of the acquisition thereof; and notwithstanding any trust upon which the same may have been conveyed, devised or bequeathed as aforesaid to the said corporation, the said corporation may and shall, within the said period, dispose of the same and invest the proceeds thereof in debentures of the Dominion of Canada, or of the Province of Ontario, or of any municipal corporation therein, or in such other securities, not including mortgages, as the said corporation may think fit, and if not so disposed of, the same shall revert to the person from whom the same were acquired, and to his heirs, executors, administrators, or assigns.

Professor-
ships, prizes,
&c.

5. No religious test shall be required of any professor, lecturer, teacher, student, officer, or servant of the said school.

No religious
test required.

6. The said corporation shall have power to make such by-laws as may be necessary for the conduct of its affairs and business, the superintendence, management, improvement, sale, lease,

By-laws:

lease, mortgage or purchase of any property belonging to or required by the corporation; the appointment, removal and qualification of members thereof; the appointment, removal, duties and remuneration of the professors, lecturers, and other officers; the government of the said School; the education and examination of the students; the fees payable therefor respectively, and all other things necessary for carrying into effect the provisions of this Act, as to the members thereof shall from time to time appear expedient, so as such by-laws shall not be in any wise repugnant to law or inconsistent with this Act.

Quorum.

7. All the powers of the said corporation may be exercised by a majority of the members thereof present at any meeting thereof, or by a majority of such members thereof as may by the by-laws be declared to be a quorum for the transaction of business, and any deed or instrument under the seal of the corporation, and signed under the direction of the said corporation, by the Dean and Secretary, or the officers performing their duties respectively, or by the duly appointed attorney of the corporation, shall be held to be the deed of the said corporation.

Liability of members.

8. No individual member of the said corporation shall in his private capacity be liable for any debts or obligations of the corporation.

Vacancies at board.

9. Whenever any of the members of the said corporation shall die, resign, or be removed, and whenever it shall be deemed advisable by the corporation to increase the number of the members thereof, or to appoint a temporary substitute for any member who may be for the time unable to act in the premises, then the said corporation shall proceed according to their by-laws for that purpose made and enacted, to elect such additional member or members in the place and stead of those so resigning, or being removed, or temporary substitutes for any members who are for the time unable to act, as the case may be.

School to have privileges conferred by secs. 8 and 24 of 37 V. c. 30.

10. The said corporation shall be entitled to all the rights and privileges conferred on the colleges and other bodies mentioned in the eighth and twenty-fourth sections of the "Ontario Medical Act," or any future Act relative thereto, and may elect a member of the Council and the Board of Examiners mentioned in the said sections respectively.

Certificates of honour.

11. The said corporation shall also have power to regulate, by their by-laws, the conferring upon students of the said School, who may have passed such examinations as shall be from time to time prescribed by the said by-laws, and who have complied with the other regulations governing the said School, and the statutes relating to the profession of Medicine and Surgery, such medals, certificates of qualification or of honour or such other credentials as the said corporation may think fit.

12. If at any time the said corporation shall deem it advisable or expedient that the students of the said Trinity Medical School should be enabled to procure university honours or degrees in Medicine, Surgery, and Midwifery, it shall and may be lawful for such purpose to affiliate the said Trinity Medical School with any university or universities empowered to grant such degrees upon such terms as the said school and such university or universities may agree. Affiliation.

13. Whenever any student of the said Trinity Medical School shall, in his medical studies, and in all other particulars, have complied with the then existing laws relating to the profession of Medicine and Surgery in the Province of Ontario, he may present himself before the Medical Board of Examiners appointed by the Council of the College of Physicians and Surgeons of Ontario, or before such other body as may hereafter be authorized to grant a license to practice Medicine, Surgery and Midwifery in Ontario, for examination, and shall, upon passing such examinations, and paying such fees, and complying with such regulations as may be prescribed by lawful authority in that behalf, be entitled to receive from the said Board or other body such certificate, diploma, or other credential as would be conferred upon him if he had been a student of one of the colleges or teaching bodies named in the eighth section of "The Ontario Medical Act of 1874." College of Physicians and Surgeons may grant degrees to students.

CHAP. 66.

An Act to Incorporate the Standard Fire Insurance Company.

[Assented to 2nd March, 1877.]

WHEREAS Daniel Black Chisholm, James J. Middleton, Preamble.

Thomas McIlwraith, Alpheus Beamer, Robert Duncan, Henry Theodore Crawford, Thomas Colhoun Haslett, all of the City of Hamilton; George A. Clement, of the Town of Niagara; Thomas Sutton, of the City of St. Catharines; and others have by their petition represented that the establishment of an association for the insurance of fire risks would be greatly beneficial, and have prayed for an Act of incorporation for the purpose of carrying on a business of that nature, and whereas it is expedient to grant their prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The persons hereinbefore named, and all such persons as shall become shareholders of the said Company, shall be and are hereby ordained, constituted and declared to be a body corporate and Incorporation and corporate name.

and politic, in law, in fact and in name by the style and title of The Standard Fire Insurance Company, for the purpose of carrying on the business of fire insurance, and doing all things appertaining thereto or connected therewith, in the Province of Ontario and shall and may have perpetual succession, and shall be capable in law of contracting and being contracted with, and suing and being sued, pleaded and being impleaded in any Court of law or equity within the Province of Ontario in their corporate name aforesaid, and they and their successors shall and may have a common seal, and may change the same at their will and pleasure.

Capital stock.

2. The capital stock of the said Company shall be one million dollars divided into ten thousand shares of one hundred dollars each, with the privilege to increase the same from time to time by a vote of the Directors at any ordinary or special meeting, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act.

Aliens, &c.,
may be share-
holders.

3. Aliens as well as British subjects, and whether resident in Canada or elsewhere, may be shareholders in the said Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects and shall also be eligible to hold office as Directors or otherwise in the said Company, but the major part of the Directors of the Company shall at all times be persons resident in Canada and subjects of Her Majesty by birth or naturalization.

Provisional
Directors.

4. For the purpose of organizing the said Company, the said Daniel Black Chisholm, James J. Middleton, Thomas McIlwraith, Alpheus Beamer, and Robert Duncan, shall be the provisional Directors thereof, and they or a majority of them may cause stock-books to be opened after giving due public notice thereof by advertisement for two weeks in one of the daily papers published in the City of Hamilton, Ontario, upon which stock-books shall be recorded the subscriptions of such persons as shall desire to become shareholders of the said Company, and such books shall be opened in the said City of Hamilton and elsewhere in this Province at the discretion of the said provisional directors, and shall remain open as long as they deem it necessary, and the provisional directors are hereby authorized to receive from the shareholders a deposit of ten per centum on the amount of their stock subscribed by them respectively and to pay all costs and expenses incurred in the application for and obtaining this Act.

First general
meeting, and
election of Di-
rectors.

5. When fifty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum of the amount so subscribed paid into one or more of the chartered banks, to be designated by the provisional Directors, and not to be withdrawn therefrom, except for the purposes

poses of the Company, the said provisional Directors shall call a general meeting of the shareholders at some place to be named in the said City of Hamilton, giving at least ten days' notice thereof, in the *Ontario Gazette*, and also in some daily newspaper published in the said City, at which meeting the shareholders present, in person or by proxy, shall elect a board of Directors composed of not less than five persons in the manner and qualified as hereinafter provided, who shall hold office for one year after their election.

6. The shares of the capital subscribed for shall be paid in by such instalments and at such times and places as the said Directors shall appoint; no such instalments shall exceed ten per centum of the amount subscribed, and thirty days' notice of each call shall be given; provided always, that it shall not be lawful for the said Company to take any risk or issue any policy until at least one hundred thousand dollars of the capital stock of the said Company is subscribed for and ten per centum actually paid thereon by the shareholders.

7. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares together with the amount previously paid thereon, in such manner as may be provided by the by-laws, and such forfeited share or shares may be sold at a public or private sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act; provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than what are deemed necessary to pay such arrears, interest, and expenses.

8. If payment of such arrears of calls, interest, and expenses, be made before any share so forfeited shall have been sold such share shall revert to the owner, as if the same had been duly paid before forfeiture thereof, and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant being the owner of such shares is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares whereby an action hath accrued to the Company by virtue of this Act, and on the trial it shall only be necessary to prove that the defendant was the owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any matter whatsoever, other than what is before mentioned; a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy

or extract under the hand of the President or any of the Vice-Presidents, or the Managing Director or Secretary of the Company, and sealed with the corporate seal, shall be received in all Courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute, or entry, without proof of the official character or signature of the officer signing the same or of the corporate seal.

Transfer of shares.

9. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may from time to time be fixed upon by the by-laws, and until the same is fully paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always, that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors.

Liability of shareholders.

10. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid in the stock held by him, but shall not be liable to an action therefor by any creditor before an execution against the Company has been returned unsatisfied in whole or in part and the amount due on such execution shall be the amount recoverable with costs against such shareholders, and the shares shall be deemed personal estate.

Transmission of shares by death, &c.

11. The transmission of any shares of the stock of the Company in consequence of the marriage, death, or insolvency of a shareholder, or by any other means than an ordinary transfer, shall be made, proved and authenticated in such form by such proof, and generally in such manner as the Directors shall from time to time require or by by-law direct, before any person claiming such shares shall be entitled to vote thereon or to receive any dividends or money payable in respect thereof.

Election of board of directors and president.

12. The stock, property, affairs, and concerns of the said Company shall be managed and conducted by not less than *five* Directors, who shall hold office for one year, and shall be elected (at the expiration of the term during which the Directors hereinbefore appointed are to hold office) at the annual general meeting of the shareholders, to be held at the City of Hamilton, on the anniversary of the first election of Directors, and on the same or such other day in each following year as may be appointed by by-law, not less than ten days' notice of such meeting being given as provided in section four of this Act; the said election shall be held and made by such of the shareholders present in person or represented by proxy as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot, and the said Directors (as soon as may be after the said election) shall proceed to elect one of their number to be President; and two to be the Vice-Presidents, and if any vacancy

cancy should at any time happen amongst the said Directors, by death, resignation, disqualification, or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors or the majority of them electing in such place or places a shareholder or shareholders eligible for such an office: Provided always, that no person shall be eligible to be or continue as a Director unless he shall hold in his name and for his own use stock in the said Company to the amount of twenty shares, whereof ten per centum shall have been paid in, and shall have paid all calls made upon his stock and all liability actually matured and incurred by him with the Company. And provided also that the Directors may appoint honorary or local directors in any place where the Company transacts business, with such duties, powers, and remuneration as they may deem proper and as are not inconsistent with this Act.

13. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when, pursuant to this Act, it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election at a special general meeting to be called for that purpose by the Directors, who shall continue in office until a new election is made. Invalid election.

14 At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting upon which all calls then due have been paid up; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of any equality of votes. Votes of shareholders.

15. At the annual meeting of the shareholders the election of Directors shall be held, and all business transacted without the necessity for specifying such business in the notice of such meeting, and at such meeting a general balance sheet and statement of the affairs of the Company with a list of all the shareholders thereof, and all such further information as may be required by the by-laws shall be laid before the shareholders: special general meeting of shareholders may be called in such manner as may be provided for by the by-laws, and at all meetings of the shareholders the President, or in his absence one of the Vice-Presidents, or in the absence of all of them a Director or shareholder chosen by the shareholders then present shall preside, who in case of an equality of votes shall give the casting vote in addition to his vote as a shareholder. Annual and special meetings.

16. At all meetings of Directors three shall be a quorum for the transaction of business; and all questions before them shall Quorum at meetings.
be

be decided by a majority of votes, and in case of an equality of votes the President, Vice-President or presiding Director shall give the casting vote in addition to his own vote as a Director.

Dividends.

17. The Directors of the Company, at a meeting held for such specific purpose, may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends.

Contracts of insurance.

18. The said Company shall have power and authority subject to the provisions of any general Act in that behalf to effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire or lightning, on any house, store, or any building whatsoever, and in like manner on any goods, chattels, or personal estate whatsoever, for such time or times, and for such premiums or considerations as may be bargained and agreed upon, or set forth by and between the Company and the person or persons agreeing with them for such insurance, and generally to do all matters and things relating to or connected with Fire Insurance as aforesaid, and to make and to grant all policies therein, and thereupon, and to cause themselves to be re-insured against any loss or risk, they may have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected with, and proper to promote those objects; and all policies or contracts of Insurance issued or entered into by the said Company, shall be signed by the President or one of the Vice-Presidents, and countersigned by the Managing Director or Secretary, or otherwise, as may be directed by the by-laws, rules and regulations of the Company, and being so signed and countersigned, shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

Real estate.

19. The Company may hold such real estate not exceeding the annual value of five thousand dollars, as is required for offices, and may aliene the same at pleasure, and may purchase other real estate in substitution thereof, and may also hold such other real estate as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts, or purchased by it at Sheriff's sale in respect of executions issued by it or judgments recovered by it: Provided that all such last mentioned real estate shall be sold within five years from the time of its becoming the absolute property of the Company.

Investment of funds.

And the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or of any of the Provinces thereof, or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated City, Town or Municipality authorized to issue bonds or debentures, or in mortgages on real estate, or in such other securities, and in such manner as the Directors may elect, and may from time to time vary or sell the said securities, or mortgage or pledge the same from time to time as occasion may require.

20 The Directors shall have full power and authority to make and from time to time annul and alter by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well-ordering of the Company, the management and disposition of stock, property, estate and effects, the calling of special general meetings, the regulation of the Board of Directors, the increasing or decreasing of the number of Directors, the increasing of the capital stock, the appointment of a Managing Director and of local boards to facilitate the details of the business, and the definition of the duties and powers of such local boards, the making of calls upon the subscribed capital, the issue and allotment of shares, the appointment and removal of officers and agents of the Company, the regulation of their powers and duties and the remuneration to be paid to them, the regulation of the transfer of stock and the form thereof, the compensation of Directors and the establishment and regulation of agencies, and the determining of the rules and conditions under which the Company's policies shall be issued, transferred or purchased, subject always to the provisions of any general law in that behalf.

Power of
Directors.

21. The chief place of business of the Company shall be in the City of Hamilton, or elsewhere in the Province as the Directors may determine.

Head office
and local
agencies.

22. The Company shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any share or shares of its stock may be subject; and the receipt of the person in whose name any share stands shall be a sufficient discharge to the Company for any money paid in respect of such share or shares, notwithstanding any trust to which they, or any of them, may be held subject, and whether or not the Company shall have had notice of such trust.

Company not
bound to see to
the execution
of trusts.

23. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, the Directors declaring such dividend shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the Board of Directors his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at or as near as may be possible to the head office of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Penalty for
paying
dividends if
insolvent.

How to avoid
liability.

24. The Company shall be subject to the provisions of the Act passed by the Legislature of the Province of Ontario,

Provisions of
39 V. c. 23.
to apply.

Ontario, in the thirty-ninth year of Her Majesty's reign, chaptered twenty-three, and intituled "An Act respecting Insurance Companies," and to all other general laws in force or that may hereafter be in force, respecting Fire Insurance Companies.

CHAP. 67.

An Act to incorporate The People's Gas Company.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the supplying of gas for lighting the public squares, streets, and places, public and other buildings, shops and dwelling-houses of the City of Toronto, is now done by one Company only; And whereas, the increasing extent of the City of Toronto, and the demand for a cheap and effective lighting of the said City and the vicinity thereof, render it feasible for such supplying of gas to be done by more than one Company, and in the general public interest of the inhabitants of the said City and vicinity, it is desirable that a Company should be incorporated for such purpose; And whereas, the several persons hereinafter named have, by their petition, prayed that they and such others as may be hereafter associated with them in their undertaking may be incorporated under the style and title hereinafter also mentioned, for the purpose of supplying the said City and its vicinity with gas; And whereas, it is expedient to grant the prayer of the petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Incorporation and corporate name.

1. The Honourable Alexander Campbell, of the City of Toronto, Senator; the Honourable William McMaster, of the same place, Senator; Abram William Lauder, of the same place, Esquire, M.P.P.; Peter De Sidnia Conger, of the same place, Coal Merchant; Arthur Brindley Lee, of the same place, Merchant; Noah Barnhart, of the same place, Merchant; John Hallam, of the same place, Merchant; Charles James Campbell, of the same place, Broker; Patrick George Close, of the same place, Merchant; Alexander Manning, of the same place, Contractor; William Fenton McMaster, of the same place, Merchant; Alexander Nairn, of the same place, Coal Merchant; Edward Strachan Cox, of the same place, Broker; James Bellingham Boustead, of the same place, Official Assignee; Robert Hay, of the same place, Manufacturer; James Scott, of the same place, Merchant; John Shields, of the same place, Merchant; Walter Gibson Cassels, of the same place, Broker; James Harris Rogers, of the same place, Merchant; Humphrey Lloyd Hime,

of

of the same place, Broker; William Bain Scarth, of the same place, Broker; and John Ginty, of the same place, Contractor, and such other persons as now are or hereafter may become shareholders in the said undertaking, are hereby constituted a body politic and corporate, under the name of "The Peoples' Gas Company," with all the powers incident to corporations by law established, and shall and may have full power to purchase, take and hold personal property, and lands, tenements and other real property for the purposes of the said Company, and for the erection, construction and convenient use of the gas works hereinafter mentioned, and also to alienate such personal property, lands and other property, and others to purchase, take and hold in their stead, for the purposes and uses aforesaid; and any person or persons, body or bodies politic or corporate may give, grant, sell, bargain or convey to the said Company, any lands, tenements or hereditaments for the purposes aforesaid, and the same may re-purchase from the said Company: Provided always, that such lands, tenements and hereditaments to be holden by the the said Company, shall be so holden for the purposes and business of the said Company, as set forth in this Act, and for constructing their necessary works for and about the same, and for no other purposes whatsoever; and that the total yearly value of the lands and real property to be so holden at any one time shall not (over and above the value of the works thereon erected) exceed forty thousand dollars currency.

2. The capital stock of the Company shall be three hundred Stock thousand dollars, but the Company may, after fifty thousand dollars of the said capital stock is subscribed, and ten per cent. thereof has been paid up, from time to time increase the said capital stock by by-law to any amount not exceeding one million dollars, having first obtained the assent of a majority of the votes of the shareholders present in person or by proxy, at any meeting called for that purpose.

3. A share in the said capital stock shall be fifty dollars Shares and and every shareholder shall be entitled to a vote in respect shareholders. of each share he may hold therein, provided he has held such shares for at least a month previous to the time of voting; but no shareholder shall be entitled to vote at any meeting unless he has paid all the calls on the shares then held by him, and every shareholder may vote by proxy.

4. All shares in the said capital stock of the said Company Transfer of shall be personal estate, and transferable as such in such man- shares. ner only as may be prescribed by the by-laws of the Company, or by this Act.

5. Until the first annual election, hereafter provided for, Provisional the provisional Board of Directors shall consist of the Honour- directors. able Alexander Campbell, of the City of Toronto, Senator; the Honourable William McMaster, of the same place, Senator; John

John Maughan, the younger, of the same place, Insurance Manager; Peter De Sidnia Conger, of the same place, Merchant; James Bellingham Boustead, of the same place, Official Assignee; Noah Barnhart, of the same place, Merchant; Charles James Campbell, of the same place, Broker; John Hallam, of the same place, Merchant; Alexander Manning, of the same place, Contractor; Arthur Brindley Lee, of the same place, Merchant; Patrick George Close, of the same place, Merchant; Alexander Nairn, of the same place, Merchant; Humphrey Lloyd Hime, of the same place, Broker; William Bain Scarth of the same place, Broker; Cornelius James Starling, of the Town of Belleville, Esquire; and Thomas D. Hall, of the City of New York, in the State of New York, Esquire.

Stock books.

6. The provisional Board of Directors (or a majority of them) shall have power to open stock books at such places as they may direct, and to keep the same open so long as they may deem it necessary, and they are hereby authorized to receive from the shareholders a deposit of ten per centum of the amount of the stock subscribed by such persons respectively, and the Board of Directors elected by the shareholders are hereby required to pay out of such deposit, all the costs, charges and expenses incurred in the application for, and the obtaining of this Act, and of the organization of the said Company, and the provisional Board of Directors shall hold office until the first regular meeting and election of Directors.

First general meeting and election of directors.

7. When and so soon as fifty thousand dollars of the capital stock of the said Company is subscribed, and ten per centum thereof paid in, the provisional Board of Directors shall, by advertisement for two weeks in one paper published in the City of Toronto and in the *Ontario Gazette*, call a general meeting of the shareholders of the said Company, for the purpose of electing a board of twelve Directors to manage the affairs of the said Company under this Act, who shall hold office until the next annual general meeting hereafter provided for.

Annual meeting.

8. A general meeting of the shareholders shall be held annually, for the purpose of electing Directors as aforesaid, on such day as may be prescribed by by-law of the Company, and before the election of new Directors the Directors of the then past year shall exhibit a full and unreserved statement of the affairs of the Company, and of the funds, property, assets and liabilities thereof, which statement shall be certified by the President or Vice-President, under his hand; in the event of there being for any reason, no election of Directors on the day so appointed, then the Directors of the previous year shall continue and remain in office until an election shall take place at a future special meeting of the said shareholders to be called for that purpose in the manner provided by the by-laws of the Company then in force.

9. No person shall be qualified to be a Director of the said Company (excepting provisional Directors) unless he holds twenty shares of the capital stock thereof in his own right. Qualification of directors.

10. Elections of Directors shall be by ballot.

Election by
ballot.

11. The Directors to be elected as aforesaid shall, at their first meeting, or as soon as may be, after such election, choose out of their number a President and Vice-President, who shall hold their offices respectively until the next election of Directors, and it shall be lawful for the said Directors from time to time, in case of death, resignation, residence without the Province, disqualification, (and any person disqualified to be elected shall be disqualified from remaining in office,) or the removal from office of any person so chosen to be President or Vice-President, or Director, or either of them, to choose in their or his stead from among the said Directors another person or persons to be President or Vice-President, or from among the other qualified shareholders, another person or persons to be Director or Directors respectively, to continue in office until the next annual election as aforesaid: Provided always, that on such occasions the Directors shall always vote *per capita*, and not according to the number of shares they hold, and the President, or person presiding at any meeting of the Directors or of the shareholders, shall, in case of a tie, have a casting vote. President and vice-president.

Proviso.

12. The Directors of the Company shall have full power in all things, to administer the affairs of the Company, and may make or cause to be made for the Company, any description of contract which the Company may by law enter into, and may from time to time make by-laws not contrary to law, to regulate the allotment of stock, the making of calls thereon, and to sue for and enforce the payment thereof, to regulate the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of the Directors, their term of service, the amount of their stock qualification, and the filling of vacancies in the Board, the appointments, functions, duties, and removal of a Manager (who may be a Director) and of all other agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration, the time at which, and the place where the annual meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors and of the Company, the quorum, the requirements as to proxies and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures, admitting of regulation by by-law, and the conduct in all other particulars of the Company, and may from time to time repeal, amend or re-enact the same; but every such by-law, and every such repeal, amendment or re-enactment thereof, may be repealed or amended Power of directors.

ed by the shareholders, at any annual meeting, or any general meeting called for such purpose.

By-law for
payment of
president
to be confirm-
ed at general
meeting.

Dividends.

13. No by-law for the payment of the President, or any Director, shall be valid or acted upon until the same has been confirmed at a general meeting, and no greater dividend shall be declared or paid than ten per cent. per annum, on the paid-up capital stock and any greater profit made or earned, not required for renewals or repairs shall be applied in reduction of the rate to be charged for gas to the takers and consumers thereof.

Special meet-
ings.

14. Ten of the shareholders of the Company representing not less than five hundred shares in the said Company, shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice, as they may issue to that effect.

Quorum.

*Amended by
c. 88, s. 4.*

15. Any seven of the said Directors or provisional Directors, shall form a quorum, for the transaction of business, and any majority of such quorum assembled according to the provisions of this Act, and the by-laws of the Company then in force, may exercise all or any of the powers hereby vested in the Directors, and the President, or in his absence, the Vice-President, or in the absence of both, a chairman chosen by the Directors present *pro tempore*, shall preside at the meetings of the Directors or provisional Directors.

Notice of
meetings.

16. Notice of the time and place for holding general meetings of the Company shall be given at least ten days (but not more than twenty days) previously thereto, in at least five successive issues of some daily newspaper published in the City of Toronto.

Directors may
borrow money
under by-law.

17. In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders present in person, or by proxy at a general meeting duly called for considering the by-law, the Directors may borrow money upon the credit of the Company, and issue the bonds, debentures, or other securities of the Company, and may sell the said bonds, debentures, or other securities at such places and prices as may be deemed expedient or be necessary, but no such debentures shall be for a less sum than one hundred dollars; and the Directors may, under the like sanction, hypothecate, mortgage, or pledge thereal or personal property of the Company to secure any sum or sums borrowed for the purposes thereof.

Evidence of
y-law.

18. A copy of any by-law of the Company under their seal, and purporting to be signed by the President, Vice-President or Manager of the Company, shall be received as *prima facie* evidence of such by-law in all Courts of Law or Equity.

Call on shares

19. The Directors or provisional Directors of the Company may call in and demand from the shareholders thereof respectively

tively, all sums of money by them subscribed at such times and places, and in such payments or instalments as the by-laws of the Company may require or allow, and interest shall accrue and fall due upon the amount of any unpaid call from the day appointed for payment of such call.

20. No call shall exceed ten per centum of the stock subscribed. Call not to exceed ten per cent.

21. The Company may enforce payment of all calls and interest thereon by action in any Court of competent jurisdiction and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls, and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company to the effect that the defendant is a shareholder, that such call or calls, has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts as *prima facie* evidence to that effect. Enforcement of calls.

22. If after such demand or notice as by the by-laws of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the Directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereupon such payment is not made, and the same shall thereupon become the property of the Company and may be disposed of as by by-laws or otherwise they shall ordain. Forfeiting of shares.

23. No share shall be transferable until all previous calls thereon and all indebtedness to the Company has been fully paid up, or after the share has been declared forfeited for non-payment of calls thereon. Transfer of shares.

24. The Company shall cause a book or books to be kept by the Secretary or by some other officer especially charged with that duty, wherein shall be kept recorded: Stock book.

1. The names, alphabetically arranged, of all persons who are or have been shareholders.

2. The address and calling of every such person while such shareholder, so far as known.

3. The number of shares of stock held by each shareholder.

4. The amounts paid in and remaining unpaid respectively, on the stock of each shareholder.

5. All transfers of stock in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and

6. The names, addresses, and calling so far as known of all persons who are or have been Directors of the Company, with the several dates at which each became or ceased to be such Director.

Transfer of stock not fully paid up.

25. The Directors may refuse to allow the entry into any such book of any transfer of stock whereon any call has been made which has not been paid in.

Transfer not legal until entered in stock book.

26. No transfer of stock, unless made by sale under execution, shall be valid for any purpose whatever save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the Company and their creditors, until the entry thereof has been duly made in such book or books.

Stock book to be *prima facie* evidence.

27. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated in any suit or proceeding against the Company or against any shareholder.

Company may break up streets, &c.

28. The said Company, under and subject to the provisions contained in section thirteen of the Act of this Session, entitled "An Act respecting the City of Toronto, the Toronto Water Works, and other matters," may break up, dig and trench so much and so many of the public streets, roads, squares, highways and other public places either of the City of Toronto or of the Village of Yorkville, and of the Township of York adjacent to the said City of Toronto, or Village of Yorkville, as may at any time be necessary or required for laying down the mains and pipes to conduct the gas from the works of the said Company to the consumers thereof, whether within or beyond the said limits of the said City of Toronto, or into, through, or over any part of Yorkville aforesaid, or of the Township of York, or for taking up, renewing, altering or repairing the same whenever the said Company shall deem it expedient; doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares and public places, while the works are in progress, and making the said opening in such parts of the said streets, squares, and public places, as the Council of the City, Village, or Township, as the case may be, shall reasonably permit and point out, also placing such guards or fences and such lamps, and taking all such precautions as may be necessary for the prevention of accidents to passengers and others, which may be occasioned by such openings; also finishing the work and replacing the said streets, squares and public places, in as good condition as before the commencement of the work, without any unnecessary delay; Provided, that for the purpose of laying mains it shall not be lawful for the said Company, except with the written consent of the Engineer of the City of Toronto, or the person for the time being acting as such, to break up or interfere

Proviso.

interfere with any of the streets, squares, lanes or passages of the said City of Toronto, until after thirty days' notice in writing of such intention shall have been given to the engineer of the said City of Toronto, or the person for the time being acting as such, if any, but that it shall be lawful for the said Company to break up and interfere with such streets, squares, lanes or passages for the purpose of laying service pipes and for repairing any pipes in case of accident, without giving any notice to the said Engineer, or person for the time being acting as such, or the said Corporation: Provided further, that unless any street, lane, square, or passage broken up for the purpose of laying mains, or for any other purpose by the said Company is within forty-eight hours thereafter, restored to its original condition and so kept in repair by the said Company for six months, ordinary wear and tear excepted, the said Engineer may at any time within the said period of six months after forty-eight hours' notice in writing of such non-repairs at the head office of the said Company, order the same to be restored to its former condition at the expense of the City, and deduct the cost of such repairs from any money due by the said the Corporation of the City of Toronto to the said Company, or the same may be recovered at the suit of the Corporation against the said Company in any Court of competent jurisdiction; Provided also, that none of the powers conferred by this section shall be exercised until at least one hundred thousand dollars shall be actually paid in on stock *bona fide* subscribed.

29. The main pipes that shall be laid down by the said Company shall be at least three feet distant from the main pipes of the Consumers Gas Company of Toronto, and those of the Water Commission; or when this shall be impracticable, as nearly so as the circumstances of the case shall admit: Provided always, that if any difference shall arise between the said People's Gas Company and the said Consumers Gas Company of Toronto, or the said Water Commission or any other Company established or to be established in the said City of Toronto, as to the practicability of either Company so laying its pipes that they shall be at a distance of at least three feet from that of any other Company, then such difference shall be decided by the Engineer of the said City, who, if he shall be of opinion that it is not practicable to lay the pipes at such distance as aforesaid, shall direct the mode in which the pipes of the respective Companies shall be laid at such place and the distance at which they shall be apart, not exceeding the distance aforesaid: Provided always that an appeal shall lie from any such decision of the said Engineer to the Judge of the County Court of the County of York.

30. Where there are buildings within any of the Municipalities aforesaid, the different parts whereof belong to different proprietors or are in possession of different tenants or lessees, the said Company shall have power to carry pipes to any part of any building so situate, passing over the property of one or more

Distance of
main pipes
from those of
other com-
panies.

Power to carry
pipes to build-
ings, &c.

more proprietors, or in possession of one or more tenants, to convey the gas to that of another, or in possession of another, the pipes being carried up and attached to the outside of the building, and also to break up and uplift all passages which may be a common easement to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same, the said Company doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party for all damages to be by them sustained in or by the execution of all or any of the said powers, subject to which provisions, this Act shall be sufficient to indemnify the Company or their servants or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

Streets, &c.,
where pipes
are being laid
kept free, and
precaution
taken against
accidents.

31. In case the said Company open or break up any street, square or public place in the said City, Village, or Township, and neglect to keep the passage of the said street, square or public place as far as may be, free and uninterrupted, or to place such guards or fences, or such lamps, or to place such watchmen or to take every such precaution as may be necessary for the prevention of accidents to passengers and others, or to close and replace the said streets, squares or public places without unnecessary delay as hereinbefore provided, the Council of the said City, Village, or Township, as the case may be, after notice in writing to the said Company, shall cause the duty so neglected forthwith to be performed, and the expense thereof shall be defrayed by the said Company on its being demanded by the Treasurer of the Municipality, at any time not less than one month after the work shall have been completed in any case, from the Cashier or Treasurer or any Director of the said Company, or in default of such payment the amount of such claim may be recovered from the said Company at the suit of the Corporation of the Municipality, by civil action in any Court of competent jurisdiction.

Main pipes to
be stamped
with initials
of company.

32. The main pipes laid down by the said Company shall have the initials of the said Company cast upon each of them, and also the ends of the service pipes and stop-cocks which appear in the cellars of the houses or buildings to be supplied with gas, shall be legibly and permanently stamped or marked with the initials of the said Company to distinguish them from those of any other Company, under a penalty of twenty-five dollars for each offence or neglect thereof, which penalty shall be paid to the Company or person prosecuting, and shall be recovered by civil action in any Court of competent civil jurisdiction.

Works not to
endanger
health, and to

33. The said Company shall so construct and locate their gas works, and all apparatus and appurtenances thereto appertaining

taining or therewith connected and wheresoever situated, as in no wise to endanger the public health, convenience or safety; and the said gas works, apparatus and appurtenances or so much thereof as shall be within the said Municipalities respectively, shall moreover be at all reasonable times subject to the visit and inspection of the municipal authorities thereof or their officers, reasonable notice thereof being previously given to the said Company; and their servants or workmen shall at all times obey all just and reasonable orders and directions they shall receive from the said respective municipal authorities in that respect, under a penalty of not more than twenty-five dollars nor less than five dollars for each offence in refusing or neglecting to obey, the same to be recovered from the said Company at the suit and for the use of the Municipality in respect of which such offence is committed, in any Court of competent civil jurisdiction.

34. The said Company may from time to time make, construct, lay down, maintain, alter or discontinue such retorts, gasometers, receivers, and buildings, cisterns, engines, machines and other apparatus, cuts, drains, sewers, water-courses, reservoirs, machinery and other works, and also such houses and buildings upon the lands hereby authorized to be held and purchased by the said Company and do all other acts necessary and convenient as they shall think proper for manufacturing and supplying the inhabitants within the limits of this Act with gas; and may also sell, dispose of, or manufacture the refuse of any such gas, and any coke, tar, surplus coal, or coal not found to answer for making gas, or any other of their real or personal property ceasing to be required for their purposes.

35. The Company may lay any pipes, branches or other necessary apparatus from any main or branch pipe, into, through, or against any building for the purpose of lighting the same, and may provide and set up any apparatus necessary for securing to any buildings a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply.

36. The said Company may sell, lease, or hire meters, interior or service pipes, or gas fittings of any kind; and no service pipes, fittings, or meters belonging to the said Company, shall be subject to be distrained for rent due to any landlord or for taxes or rates upon the building wherein the same may be, or be seized in execution for any debt due by any person or persons to or for whose use or the use of whose house or building the same may be supplied by the Company, any law or practice to the contrary notwithstanding.

37. If any person wilfully damages or causes to be damaged any meter, service pipes, or fittings, belonging to the said company, or wilfully alters or impairs the same, so that the meter or meters shall indicate less gas than actually passes through

through the same, such person shall, in addition to any criminal liability which he may thereby incur, be liable to the said Company for double the value of the damage thereby occasioned, which amount, together with full costs of suit, may be recovered by the said Company in any Court of competent jurisdiction.

Contracts with
Toronto and
Yorkville.

38. The said Company and the Corporation of the City of Toronto or the Village of Yorkville, or the Township of York, may contract on such terms and for such periods as may be thought proper, for lighting the streets, squares, and public buildings and places of the said City, Village or Township, or any of them, with gas, at such reasonable rates and prices as may be mutually agreed on.

Penalty for
damage to
pipes, etc.

39. If any person wilfully removes, destroys, damages, fraudulently alters, or in any way injures any pipe, pedestal, post, plug, lamp, or other apparatus or thing belonging to the Company or to any person, or wilfully extinguishes any of the public lamps or lights, or wastes or improperly uses or suffers to be used any of the gas supplied by the Company, he shall, in addition to any criminal liability which he may thereby incur, pay the expenses mentioned in the thirty-seventh section of this Act.

Penalty for
accidents, in-
juries, or over
expenditure of
gas.

40. If any person carelessly, or accidentally breaks, throws down, or damages any meter, pipe, pedestal, or lamp supplied by or belonging to the Company or any person, or keeps the light or lights burning for a longer time than he has contracted to pay for, and he does not on demand, make satisfaction to the Company or to such person for the damage done or the excess of gas obtained and used, then it shall be lawful for any Justice of the Peace or Police Magistrate to summon before him the person against whom any such complaint shall be preferred, and for any two or more Justices upon hearing the allegations and proofs on both sides, or on non-appearance of the person complained against (after proof of his being duly summoned) to award such sum of money by way of damages to the Company, or to such person as the case may require and the said Justices may deem reasonable, together with the costs, and in case of a neglect or refusal to pay any sum or sums so awarded within three days after such award, it shall be lawful for the said Justice to issue his warrant to cause the same to be levied on the goods and chattels of the person so convicted.

Gas may be
cut off if rent
not paid.

41. If any person supplied with gas by the Company neglects to pay any rate, rent, or charge due to them, at any of the times of payment thereof, the Company, or any person acting under their authority, may stop the gas from entering the premises, service pipes or lamps of any such person, by cutting off the service pipe or pipes, or by such means as the said Company shall think fit, and to recover the said rate, rent or charge, together

together with the expenses of cutting off the gas, by suit in any competent Court, or by distress upon the goods and chattels of any such person, to be made and levied in the same manner, so far as may be, as a distress by law upon a tenant for rent.

42. In all cases where it is lawful for the said Company to cut off and take away the supply of gas from any house, building, or premises, under the provisions of this Act, the company, their agent, or workmen may enter into any such house, building or premises, between the hours of nine in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and may remove, take, and carry away any pipe, meter, cock, or branch, or apparatus the property of or belonging to the said Company; and also may enter as aforesaid, between the hours aforesaid, for the purpose of repairing and making good any such house, building, or premises, or for the purpose of examining any meter, or examining and repairing any meter pipe or apparatus belonging to the said Company, or used for supplying their gas.

Power of entry
by company's
servants.

43. If any person or persons lay or cause to be laid, any pipe or main, to communicate with any pipe or main belonging to the said Company, or in any way obtain or use its gas, or furnish it, or suffer it to be furnished to others, without the consent of the Directors, or their officer appointed to grant such consent, he, she, or they shall forfeit and pay to the said Company the sum of one hundred dollars, and also a further sum of five dollars for each day such pipe shall so remain, which said sum, together with the costs of suit, may be recovered by the said Company, by civil action, in any Court of competent jurisdiction.

Penalty of
using gas
fraudulently.

44. If any person or persons shall break up or pull down, or damage and injure, put out of order, or destroy any main pipe, pipe, or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing made and provided for the purposes aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down, or belonging to the said Company, or shall in any wise wilfully do any other injury or damage, for the purpose of obstructing, hindering, or embarrassing the construction, completion, maintaining or repairing of the said works, or shall increase the supply of gas agreed for with the said Company, by increasing the number or size of the holes in the gas burners, or otherwise wrongfully, negligently, or wastefully burning the same, or by wrongfully or improperly wasting the gas; he shall be liable to the said Company in double the damages thereby occasioned, with full costs of suit.

Penalty for in-
jury to works.

45. The penalties to be enforced under the authority of this Act shall, unless where otherwise provided, be recoverable with costs,

Recovery of
penalties.

costs, either by civil suit or by complaint before any Justice of the Peace or Police Magistrate, and on conviction upon the oath of one or more witnesses, or by the confession of the party complained of; and in default of payment of any such penalty and costs, it shall be lawful for the said Justice or Police Magistrate to issue his warrant for the distress and sale of the goods and chattels of the offender, or for his imprisonment in the gaol of the County of York, for any period not exceeding one month, unless the said penalty and costs be sooner paid.

Amalgamation
with other
companies.

46. Nothing in this Act contained shall be construed to authorize the said The People's Gas Company to amalgamate with or become part of any other Gas or Gas and Water Company without the consent of the Council of the Corporation of the City of Toronto first had and obtained by resolution of the said Council, and the gas works hereinbefore mentioned shall be in operation within five years from the passing of this Act, and in default thereof the privileges and advantages granted by this Act shall cease and be of no effect, but nothing in this section contained shall affect or impair the right or remedy of any creditor of said Company.

Certain sec-
tions of 37
V. c. 35, to
apply.

47. The forty-fourth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, and fifty-first sections of the Ontario Joint Stock Companies Letters Patent Act, 1874, shall apply to the said Company, as if the said sections were a part of this Act.

CHAP. 68.

An Act to incorporate the Industrial Exhibition Com- pany.

[Assented to 2nd March, 1877.]

Preamble

WHEREAS the persons hereinafter named and others have, by their petition, prayed that they may be incorporated for the purposes of establishing and holding Industrial and General Exhibitions in the Province of Ontario; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation
and corporate
name.

1. The Honourable William Pearce Howland, the Honourable David L. Macpherson, the Honourable William McMaster, the Honourable Charles Tupper, James Michie, William H. Howland, William Arthurs, John Hallam, Thomas McCrosson, Samuel Passmore May, and Patrick George Close, together with

with all such persons and corporations as shall, under the authority of this Act, be associated with them as stockholders in the corporation hereby created, shall be a body politic and corporate, by the name of The Industrial Exhibition Company, and by that name shall and may have perpetual succession and a common seal with power to break and alter the same, and by that name shall and may sue and be sued in all Courts of Law or Equity in this Province, and the said corporation shall have their principal place of business and office at Toronto, but may open such office or offices at such places as may be found necessary or convenient for the purposes of their business.

2. The said Company is hereby authorized and empowered, Powers of Company. either permanently or periodically, in structures, buildings, enclosures and places, located in Toronto, or in the Township of York or elsewhere, suitable for exhibition purposes, and for the promotion of industries, arts, and sciences generally, to exhibit any and every variety of thing and being found in animal and vegetable life; to exhibit products, wares, goods merchandize, machinery, mechanical inventions, and improvements of every nature, name and kind, and such as are generally exhibited at fairs; to exhibit paintings and statuary of any and every nature and kind; to exhibit and develop the points and qualities of the several breeds of horses, and other animals, by such competitive tests as may be humane and proper and as may be deemed expedient, and to make such other exhibitions as will be in conformity with the purposes and objects of this Act; and the said Company is hereby further authorized, in carrying on and maintaining the business aforesaid, and such other business as may be hereinafter mentioned, to hold, own, and acquire by lease, purchase, gift, or otherwise, property, real, personal and mixed, at such prices, and on such terms and conditions as may be agreed upon, and may improve and use the same by the construction of such buildings, houses, works and improvements as are necessary, and as may be deemed proper; and the said Company is hereby further authorized to cultivate such portion of their grounds, as they may deem proper, for the propagation of plants, trees, shrubs, &c., of a vegetable nature, and also to manufacture and raise articles and things required in the various exhibitions contemplated; Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation for the purposes of the said corporation.

3. The said Company is hereby authorized to charge such admission fees as may be deemed proper to receive for exhibiting everything contemplated by this Act; to award and to pay to exhibitors such prizes, medals, and honorary distinctions as they may deem proper; and to let, lease, or own stalls, stands, rooms and places in any of their buildings or structures, or in any Admission fees, Prizes, &c.

any part of their property, upon such terms and conditions as the Board of Directors deem best for the interests of the said Company.

Capital with power to general board of directors to increase the amount of capital stock.

4. The capital stock of the said Company shall be five hundred thousand dollars in twenty thousand shares of twenty-five dollars each, but shall be subject to be increased as hereinafter provided, and such shares shall be transferable upon the books of the said Company in such manner, and subject to such restrictions as may be fixed by the by-laws of the said Company, provided always that no person to whom shall be allotted any stock in the said Company shall be exempt from liability to the creditors thereof, or from any payment of any calls thereon, by reason of any transfer which he may make of such stock, until the whole amount of such stock so allotted to him is paid in full by the holder thereof; and such stock shall be called in and paid in such instalments and upon such notice as shall be fixed by the Board of Directors.

Payment of stock and commencement of business.

5. The Board of Directors shall have power to issue to any person other than a Director paid up stock in the said Company in payment of the price of estate and property, real, personal or mixed, or for labour performed or to be performed, or for expenses incurred in promoting the objects of the said Company; and it may commence business when one hundred thousand dollars of the stock has been subscribed and ten per cent thereon has actually been paid.

Provisional Board of Directors.

6. The said the Honourable William Pearce Howland, the Honourable David L. Macpherson, the Honourable William McMaster, James Michie, William H. Howland, Thomas McCrosson, William Arthurs, John Hallam, Samuel Passmore May, and Patrick George Close shall be provisional Directors of the said Company to obtain subscriptions for stock and organize said Company, and shall hold office until the election of Directors as hereinafter provided.

First election.

7. So soon as one hundred thousand dollars of the capital stock has been subscribed, and ten per centum thereon paid up, the shareholders shall proceed to the election of a Board of Directors for the said Company, and the provisional Directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof by advertisement in some newspaper published in the City of Toronto.

Qualification of directors.

8. The Board of Directors shall consist of nine Directors, to be determined at the meeting to be held as provided for in the preceding section, each of whom shall be a shareholder of not less than one thousand dollars: such election, and every question voted on at such meeting, shall be decided by ballot, by a plurality of votes of the stockholders (who shall have paid all calls

calls made upon the stock held by them) present in person or represented by written proxy, each share to have one vote : the Directors so chosen shall immediately elect one of their own number to be President, and another to be Vice-President, which President, Vice-President and Directors shall continue in office for one year, and until others shall be chosen to fill their places, as may be provided by the by-laws of the said Company, and if any vacancy shall at any time happen, by death, resignation or otherwise, during said year, in the office of President, Vice-President or Directors, the remaining Directors shall supply such vacancy for the remainder of the year, and the election of Directors shall take place annually, either on the anniversary of the day of the first election of Directors, or such other days as may be fixed by by-law, as hereinafter mentioned.

9. The Directors shall have full power to make all by-laws and regulations not inconsistent with the provisions of this Act for the management of the Company, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business, the management and collection of calls on stock, and forfeiture thereof for non-payment, the entering into arrangements and contracts with any person or corporation, the declaration and payment of dividends out of the profits of the said Company, the form and issuing of stock certificates and the transfer of shares, the calling of general and other meetings of the Company, the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the Company ; the admission fees to be received from persons visiting their exhibitions, and in general to do all things that may be necessary to carry out the objects, and the exercise of the powers incident to the Company.

Powers of directors.

10. The stock of said Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by by-law direct.

Stock to be personalty.

11. The Directors may from time to time increase the capital stock of the said Company for such amount or amounts as occasion may require, and also raise or borrow any sum or sums not exceeding in the whole, at any time the actual amount of the capital stock *bona fide* subscribed and paid up, by the issue of bonds or debentures in such sums of not less than one hundred dollars, on such terms and credit as they may think proper, and may thereby pledge or mortgage all the property, entrance fees, tolls and income of the Company, or any part thereof) as may be expressed upon the face of any bond or debenture) for the repayment of the moneys so raised or borrowed, and the interest thereon : Provided always that the consent of two-thirds in value of the shareholders of the Company present, or represented by proxy, at a special meeting to be called and held for either or both of the purposes aforesaid, shall be first had and obtained ; and that due notice of the holding of such meeting shall

Capital stock may be increased.

shall have been given in some newspaper published in the City of Toronto, at least two weeks before such meeting is held.

Liabilities of
stockholders.

12. No stockholder shall be personally liable for the promises, contracts, debts, undertakings, torts or liabilities of said Company, beyond the amount remaining unpaid upon stock held by him, and to that extent only, after the other assets, if any, of the said Company shall be realized upon.

Municipalities
may subscribe.

13. Any municipal corporation in Ontario, may subscribe for, acquire, accept and hold, and may depart with and transfer stock in the said Company, and from time to time may direct the Mayor, Warden, or other chief officer thereof, on behalf of such Municipality, to subscribe for such stock in the name of such Municipality, and to act for and on behalf of such Municipality, in all matters relative to such stock, and the exercise of the rights of such Municipality as a stockholder; but acting according to his discretion in cases not provided for by such Municipality; and such Municipality may pay for all instalments of the stock which they subscribe for and acquire out of any moneys belonging to such Municipality, and may apply the money arising from the dividends or profits on the said stock, or from the sale thereof, to any purpose to which unappropriated moneys, belonging to such Municipality may be lawfully applied.

Municipalities
may lend
money.

14. Any municipal corporation in Ontario may lend money or may grant aid by way of bonus to the said Company out of any moneys belonging to the Municipality, and may effect such loan or grant such aid upon such terms and conditions as may be agreed upon between said Company and the Municipality making such loan or granting such aid, and may recover the money so lent, and may appropriate the moneys so recovered to the purposes of such Municipality.

Calls of Stock.

15. In any action for the recovery of calls, or arrears on calls, it shall be sufficient for the said Company to allege that the defendant being an owner of shares therein, is indebted to the Company in respect of so many shares in the sum due, whereby an action hath accrued to the Company by virtue of this Act; and at the trial it shall only be necessary to prove that the defendant was owner of shares in the Company, and that such call was made according to the by-laws or rules of the Company; it shall be unnecessary to prove the appointment of the Directors who made such calls, or any other matter whatsoever, except what is before declared, and a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President, or Vice-President, or the Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all Courts and proceedings as *prima facie*

facie evidence of such by-law, rule, regulation, minute, or entry without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

16. The Council of any Municipality, and the said Company are hereby respectively authorized to make and to enter into any agreements or covenants relating to the holding of any exhibitions, and granting and accepting aid for the same.

Agreements
with municipi-
palities.

CHAP. 69.

An Act respecting the Bothwell (C.W.) Land and Petroleum Company, (Limited).

[Assented to 2nd March, 1877.]

WHEREAS the said Company acquired a large extent of land in the Town of Bothwell, and Township of Zone, for the purposes for which the said Company were incorporated, and a portion of the purchase money of such lands was secured by mortgage thereon; and whereas the said Company being unable otherwise to pay the balance of the purchase money secured by such mortgage, did borrow the sum of twenty thousand pounds sterling, from William Colvin, William Dougall Bankier, George Wilson Clark, and Robert Wotherspoon, of the City of Glasgow, in Scotland, merchants, John Alison Brodie, of the same place, accountant, and James Pope Kitchen, of the City of London, in England, sharebroker, for the purpose of paying off such balance, and it was on the treaty for such loan stipulated and agreed that the repayment thereof should be secured upon all the property, real or personal of the said Company; and whereas, in pursuance of such stipulation and agreement, by four several indentures, each dated the twenty-first day of July, in the year of our Lord eighteen hundred and sixty-nine, and made between the said Company of the first part, and the said William Colvin, George Wilson Clark, James Pope Kitchen and John Alison Brodie, of the second part, the said Company did grant, bargain and sell, assign, transfer and set over unto the said parties thereto of the second part, their heirs, executors, administrators and assigns, as well the lands and premises, goods and chattels of the said Company then remaining unsold, as all the mortgages to the Company for securing payment of the purchase money, or balance of the purchase money of lands sold by the Company, and all the interest of the Company in certain contracts or agreements entered into with various persons for the sale by the Company to such persons, of lands belonging

Preamble.

ing to the said Company ; and whereas, the whole of such sum of twenty thousand pounds sterling, with all interest thereon secured or intended to be secured by such indentures is still wholly due and unpaid, and the Company have ceased for several years past to carry on actively the business for which they were incorporated, and the shareholders, as well as the parties interested in such securities, have petitioned to have the property real and personal of the Company embraced in or covered by the said indentures, vested in trustees for sale thereof, and the proceeds applied in or towards payment of said sum of twenty thousand pounds and interest ; and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Property of
company vested
in trustees.

1. The whole of the property, real and personal of the said Company, embraced in or covered by the said four several indentures, and all the estate, title and interest of the said William Colvin, William Dougall Bankier, George Wilson Clark, Robert Wotherspoon, John Alison Brodie, and James Pope Kitchen therein, is hereby vested in George Greig, of the City of Toronto, Esquire, and Alexander Graham, of the City of London, in the Province of Ontario, Esquire, their heirs, executors, administrators and assigns, according to the nature thereof, as joint tenants upon the following trusts, that is to say : In trust to sell and dispose of the same, or so much thereof as may be necessary, with all convenient speed, and to the best advantage, and in such manner as they may deem best, in one lot or in parcels, for cash or on credit, or partly for cash and partly on credit, and with or without security, where credit is given, and to use and apply the proceeds of such sales, in the first place in paying and discharging the costs and charges and expenses of the promotion and passage of this Act, and of and attending the carrying out of the trusts hereby reposed in them, and in the next place to pay unto the said William Colvin, William Dougall Bankier, George Wilson Clark, Robert Wotherspoon, John Alison Brodie, and James Pope Kitchen, in the proportions in which they are, as between themselves, entitled thereto, the sum of twenty thousand pounds sterling money of Great Britain, with interest thereon at the rate of six per cent. per annum, from the fifteenth day of May, in the year of our Lord eighteen hundred and sixty-eight, out of the proceeds of the real and personal property embraced in the said securities granted by the said Company for such sum, if such proceeds extend so far, and if such proceeds should not extend so far, then the said William Colvin, William Dougall Bankier, George Wilson Clark, Robert Wotherspoon, John Alison Brodie, and James Pope Kitchen shall be creditors of the Company as to such deficiency, and so long as such property or any part thereof shall remain unsold the said George Greig and Alexander Graham, or the trustees or trustee of the same

same for the time being shall and may hold and use the said property to the best advantage and may make such lease or leases of the same or any part or parts thereof as they may think fit; and when and so soon as the said George Greig and Alexander Graham, or the trustees or trustee for the time being shall have realized from such property real and personal a sum sufficient to pay off and discharge the moneys hereinbefore in this section mentioned, then they shall assign and transfer to the said Company at the proper charges and expenses of the said Company so much of such real and personal property as shall remain unsold or undisposed of, and pay over to the said Company any moneys the proceeds thereof, which may be or remain in their hands.

2. The securities aforesaid given by the said company for the said claim of the said William Colvin, William Dougall Bankier, George Wilson Clark, Robert Wotherspoon, John Alison Brodie and James Pope Kitchen, are hereby declared to be good and valid, and the said William Colvin, William Dougall Bankier, George Wilson Clark, Robert Wotherspoon, John Alison Brodie and James Pope Kitchen are hereby declared to be entitled to receive from the said trustees the proceeds of the sale of the property, real and personal, embraced in such securities to the amount of such claim and interest as aforesaid, but the purchaser or purchasers from the said trustees of any property embraced in such securities shall, under and by virtue of the sale and conveyance thereof by the said trustees, acquire and hold all the estate, title and interest in such property of the said William Colvin, William Dougall Bankier, George Wilson Clark, Robert Wotherspoon, John Alison Brodie and James Pope Kitchen, as well as of the said Company or which but for the passing of this Act they would have had therein, but saving the rights of any other person or persons in such property or any part thereof.

3. In case the said George Greig, and Alexander Graham, or either of them, or any future trustees or trustee to be appointed as herein is mentioned shall die or be desirous of being discharged of and from, or refuse or decline or become incapable to act, in the trusts or powers hereby in them respectively reposed, before such trusts or powers shall have been fully executed, performed and discharged, or shall have become incapable of effect, then, and in such case and when and so often as the same shall happen, all the right, title and interest of them or him shall cease and determine and be divested, and the same right, title and interest for the purposes of this Act, and for the carrying into effect the purposes of the trusts hereby created shall be vested in, revert to and all and singular the trusts and duties by this Act imposed upon the said George Greig and Alexander Graham, shall devolve upon such person or persons as shall be agreed upon and nominated by a majority in value of the then holders of shares

Securities
given by the
company valid.

If trustees die
etc.

shares in the capital stock of the said Company by any writing in duplicate signed by such majority, one part of which shall be delivered to the surviving or continuing trustee, and the other to the person signing such writing who holds the largest number of shares in the capital stock of the Company, or in default of any such nomination then upon such person or person as may be agreed upon and nominated by a majority in value of those of the holders of shares in the capital stock of the said Company who shall be present or represented at a meeting of such shareholders duly called and held in the City of Glasgow, in Scotland, and such meeting shall be deemed to be duly called, if the same be convened at the instance of the surviving or continuing trustee, or of any shareholder, and notice thereof be given by publication in ten successive issues of a daily newspaper in the City of Glasgow, at least one week previous to the day of such meeting, and if no person or persons be agreed upon or nominated at such meeting, or if none of the shareholders attend such meeting, then it shall and may be lawful for the surviving or continuing trustee to nominate and appoint such person as he shall think fit as a trustee in the place or stead of such trustee so dying or being desirous of being discharged or refusing or declining or becoming incapable to act in the said trusts or powers, and immediately after any such nomination or appointment, the whole of the property, real and personal, hereby vested in the said George Greig and Alexander Graham or so much as may then remain unsold and undisposed of, and all the right, title, interest and powers by this Act vested in the said George Greig and Alexander Graham shall, without any conveyance, assignment or transfer thereof, become vested in such new trustee or trustees either jointly with the surviving or continuing trustee or solely as the case may require, and in their heirs, executors, administrators and assigns, according to the nature thereof.

Interpretation. 4. The word trustees wherever used in this Act shall be held to mean the said George Greig and Alexander Graham, or the trustees or trustee for the time being, acting or appointed under the provisions herein contained, and the provisions of the thirty-second section of an Act of the late Province of Canada, passed in the twenty-ninth year of Her Majesty's reign, chapter twenty-eight, shall apply to such trustees as fully as if they were incorporated in this Act.

CHAP. 70.

An Act respecting the Pickering Harbour and Road Joint Stock Company.

[Assented to 2nd March, 1877.]

WHEREAS the Pickering Harbour and Road Joint Stock Company, incorporated under the Act of the Province of Canada passed in the sixteenth year of Her Majesty's Reign, and chaptered one hundred and forty-one, and the Act of the Province of Ontario passed in the thirty-fifth year of Her Majesty's Reign, and chaptered one hundred and four, and being the owners of the Pickering Harbour and Road in the Province of Ontario, have petitioned for an Act to enable them to issue bonds or debentures, to a limited amount, for improving the said Harbour, and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. It shall and may be lawful for the said Company to issue bonds or debentures not exceeding in the aggregate twenty-five thousand dollars, which debentures shall be a first charge on the properties, tolls, and revenues of said Company.

Preamble.
Company may
issue bonds to
amount of
\$25,000.

2. The debentures so issued may be in sums of not less than one hundred dollars each, and bearing interest at a rate in conformity with the laws of Canada, but not exceeding eight per centum per annum, and payable at such times and places as the said Company may determine.

Form of bonds.

CHAP. 71.

An Act respecting the Peel General Manufacturing Company.

[Assented to 2nd March, 1877.]

WHEREAS the Peel General Manufacturing Company have petitioned for an amendment of their Act of incorporation, being the Act twenty-sixth Victoria, chapter sixty, of the late Province of Canada, and it is deemed expedient to grant the prayer of such petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Preamble.
26 V. c. 60.

Dairy Farmers.

1. In addition to the powers conferred by section four of the said Act, the said Company shall have power to carry on the business of Dairy Farmers, and all things pertaining thereto; the raising, buying and selling of horses, cattle and other live stock and farm produce, and the manufacture and sale of cheese.

Failure to elect Directors not to dissolve Company.

2. The said Company shall not be dissolved by a failure heretofore or hereafter to elect Directors at the time prescribed by the said Act, and it shall be lawful to make such election on any subsequent day, in the manner provided for the annual election; and in case of such a failure any three of the shareholders shall have the right to call a special meeting for the purpose of holding an election.

CHAP. 72.

An Act to Incorporate the Leamington, Comber, and Lake St. Clair Railway Company.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the construction of a Railway from a point on the shore of Lake Erie, in or near the Village of Leamington, in the County of Essex, and thence to a point in or near the Village of Stoney Point, on the shore of Lake St. Clair, in the said County, has become desirable, for the purpose of developing certain portions of the County of Essex, and for the public benefit and accommodation of the inhabitants thereof; and whereas George Russell, Charles H. Fox, Charles Chamberlain, William Ryall, Peter Conover, William Watson, Peter Williams, James Baker, John Askew, William Hazleton, George A. Morse, Robert Lamarsh, Matthew William Scott, and Henry J. Coulson, have petitioned that an Act may pass to construct the Railway aforesaid; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation and corporate name.

1. George Russell, Charles H. Fox, Charles Chamberlain, William Ryall, Peter Conover, William Watson, Peter Williams, James Baker, John Askew, William Hazleton, George A. Morse, Robert Lamarsh, Matthew William Scott, and Henry J. Coulson, together with such persons and corporations as shall in pursuance of this Act become shareholders of the Company hereby incorporated, are hereby declared to be a body corporate and politic, by the name of the Leamington, Comber, and Lake St. Clair Railway Company. 2.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments, thereto with respect to the first, second, third, fourth, fifth and sixth clauses thereof; also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "President and Directors—their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway, and general provisions," shall be deemed to be part of this Act, and shall apply to the said company, and to the Railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression, "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, so incorporated with this Act as aforesaid. Railway Act to apply.

3. The Company hereby incorporated, and their agents or servants, shall have full power and authority under this Act to lay out, construct and finish an iron railway from such point near or within the limits of the Village of Leamington, on the shore of Lake Erie, or as near thereto as may be deemed desirable, and continuing the same through the Townships of Mersea and Tilbury West, to a point at or near the Village of Stoney Point, and at or near the shores of Lake St. Clair; and it shall and may be lawful for the said Company to take and appropriate for the use of said railway, and the works connected therewith, so much of the land as may be necessary for the works of the said Railway, but not to alienate the same. Location of Line.

4. The capital of the Company hereby incorporated shall be fifty thousand dollars, with power to increase the same in the manner provided by the said Railway Act, to be divided into one thousand shares, of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such body; and the money so raised shall be applied in the first place for the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said Railway, and the purposes of this Act. Capital Stock.

5. George Russell, Charles H. Fox, Charles Chamberlain, William Ryall, Peter Conover, William Watson, George A. Morse, John Hooker, Robert Lamarsh, John Askew, Matthew William Scott, Lewis Wigle, and Michael J. Malott shall be and are hereby constituted a Board of provisional Directors of the said Company, and shall hold office as such until other Directors are appointed under the provisions of this Act, by the Provisional Directors.

the shareholders; and it shall be lawful for the provisional Directors for the time being of the said Company, or a majority of the Directors present at a meeting called for the purpose, to supply the place or places of any of their number from time to time declining or dying, or becoming incapable to act as such provisional Directors, and to associate with themselves, at a meeting of Directors called for the purpose of deciding thereon, not more than five other Directors, who shall thereupon become and be Directors of the company equally with themselves; which appointments, whether by reason of death or resignation, or the association of not more than five other Directors, shall be made from the several subscribers for stock in the said Railway Company, to the amount of two hundred dollars each, during the period of their continuance in office, and on which ten per centum shall be paid.

Powers of
provisional
directors.

6. The said Board of provisional Directors shall have full power to open up stock books, and to procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of Directors, as hereinafter provided; and such provisional Directors may appoint a committee from their number to open such stock books, giving at least three weeks' notice in the *Ontario Gazette*, and in one paper published in the Village of Leamington, of the time and place of meeting to open such books and receive such subscriptions, and such committee, or a majority of them, may in their discretion, exclude any person from subscribing, who in their judgment would hinder or delay the Company in proceeding with their Railway.

When Meeting
for the Elec-
tion of Direct-
ors may be
called.

7. When, and so soon as shares to the amount of twenty thousand dollars in the capital stock of the Company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Province, or of the Dominion, or when and so soon as such subscriptions, together with sums granted by Municipalities, either by way of loans or subscription, shall have been deposited in one of the chartered banks of the Province, or with the Provincial Treasurer, in the names of trustees, as hereinafter provided, the provisional Directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers, for the purpose of electing Directors, giving at least three weeks' notice in a paper published in the Village of Leamington, and in the *Ontario Gazette*, of the time, place, and object of such general meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid the ten per cent. on the stock subscribed by them, shall elect seven persons to be Directors of the said Company, in manner and qualified as hereinafter directed, which said Directors, together with *ex-officio*

officio Directors under the Railway Act, or this Act, shall constitute a Board of Directors, and shall hold office until the first Monday of May, in the year following their election.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act, nor shall the debentures so deposited be otherwise applied than to the purposes of the Railway, as defined in the by-law or agreement between the Municipality or Municipalities granting the same, and the Railway Company, in relation thereto. Sums and debentures deposited, application of.

9. The Directors for the time being may from time to time make calls as they think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice be given of each call, as provided in section six. Power to limit amount of Calls.

10. Thereafter the general annual meeting of the shareholders of the said Company shall be held in such place in the Village of Leamington, and on such days and on such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given, at least four weeks previously, in the *Ontario Gazette*, and once a week for four weeks in a newspaper published in the Village of Leamington. General annual meetings.

11. Special general meetings of the shareholders of the said company may be held in such places in the Village of Leamington, and at such times and in such manner, and for such purposes as may be provided by the by-laws of said Company, upon such notice as is provided in the last preceding section. Special general meetings.

12. In the election of Directors under this Act, no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company, upon which all calls have been paid up. Qualifications of directors.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as Directors in the said Company. Shareholders right to vote, etc.

14. At all meetings of the Board of Directors, whether of provisional Directors or of those elected by the shareholders, four Directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one of their number as paid Director. Quorum.

15. In case at least fifty of the persons rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act in any Municipality, do petition the Council of such Municipality to pass a by-law as hereinafter set out, and expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus to the Aid from municipalities.

the said Company for this purpose, and stating the amount which they so desire to grant and to be assessed therefor, the Council of such Municipality shall introduce a by-law and submit the said by-law to the vote of the qualified ratepayers of the Municipality defined in the said petition :

1. For raising the amount so petitioned for by such freeholders in such Municipality, by the issue of the debentures of the Municipality, payable in twenty years or earlier, or by annual instalments, and for the delivery to trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition ;

2. For assessing and levying upon all the rateable property lying within the Municipality defined by said petition, an annual special rate sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, said interest to be payable yearly or half yearly, which debentures the Municipal Council and the Reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively : Provided, the said by-law shall not be valid unless it has received the assent of the duly qualified ratepayers of the Municipality in the manner provided by law in the case of a by-law requiring the assent of the ratepayers of a Municipality before its final passing.

After passing
by-law, debentures to issue.

16. It shall be the duty of the Reeve or other head of the Council upon such petition to call a meeting of the Council for the purpose of introducing such by-law, and submitting the same to the ratepayers ; and within one month after the passing of such by-law, the said Council and the Reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed, or to be appointed under this Act.

Power to exempt from
taxation.

17. It shall be lawful for the corporation of any Municipality through any part of which the Railway of the said Company passes or is situate, by by-law especially passed for that purpose, to exempt the said Company and its property within such Municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

change.

18. The said Railway may be of any gauge.

Municipal debentures, delivery to trustees.

19. Whenever a Municipality or Municipalities shall grant a bonus to aid the said Company, the debentures therefor shall be within six weeks after the passing of the by-law delivered to three trustees, one to be named by the Company, one by the Municipalities granting such bonuses, and one by the Lieutenant-Governor in Council ; Provided always, that if the
Municipal

Municipal Councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation or inability or refusal to act of any trustee, the party who originally appointed such trustee so dying, resigning, or becoming incapable or unwilling to act may appoint a successor, and in the event of such party failing for two weeks after notice in writing to make such appointment the Company may appoint such trustee.

20. The said trustees shall receive the said debentures on trust; Firstly, to deposit the same in some chartered bank of the Province in the Town of Windsor or the Village of Leamington; Secondly, to convert the same, or any of them, into money whenever required to do so by the Directors, but subject to the conditions of the by-law in relation thereto, as to time and manner, and to deposit the amounts realized from the sale thereof in such bank in the name of the Leamington, Comber and Lake St. Clair Railway Company Trust Account, and to pay the same out to the said Company, from time to time on the certificate of the chief engineer of the said Railway, in the form set out in Schedule "B" hereto or to the like effect setting out the portion of the Railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and such certificate shall be attached to the cheque to be drawn by the said trustees.

Trusts of Debentures.

21. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Two trustees may bind the three.

22. The Directors of the said Company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the President and Vice-President of the said Company, and countersigned by the Secretary, and under the seal of the said Company, for the purposes of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the Company as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said Railway, or material actually purchased, paid for and delivered to the Company within the Province

Power to issue bonds preferential.

Limit to issue bonds.

Rights of unpaid bond-holders.

Amended by chapter 8, s. 1.

vince of Ontario or Quebec; and provided, also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for Directors, and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the Company to register the same on being required to do so by any holder thereof.

Bonds, etc., transferable by delivery.

23. All such bonds, debentures, and other securities and coupons, and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery; and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Power to become parties to notes, etc.

24. The said Company shall have power and authority to become parties to promissory notes and bills of exchange; and any such promissory note or bill of exchange, made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary of the said Company, and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the President or Vice-President be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Power to acquire whole lots though less would suffice.

25. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, for constructing, maintaining, and using the said Railway, and in case by purchasing the whole of any lot or parcel of land over which the Railway is to run, the Company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the Company may purchase, hold, use, and enjoy such lands, and also the right of way there-to if the same be separated from their Railway, and sell or convey the same, or a part thereof, from time to time, as they may deem expedient.

Commencement and completion.

26. The Railway shall be commenced within four years, and finally completed within seven years after the passing of this Act.

27. The Company incorporated by this Act may enter into any arrangement with any other Railway Company or Companies which is lawfully empowered to enter into such an agreement for the leasing or working of the said Railway, on such terms and conditions as the Directors of the several Companies may agree on ; or for leasing or hiring from such other Company or Companies any portion of their Railway or the use thereof, or for the leasing or hiring any locomotives or other movable property from such Companies or persons, and generally to make any agreement or agreements with any other Company, touching the use by one or the other, or by both Companies, of the Railway or rolling stock of either or both, or any part thereof ; or touching any service to be rendered by the one Company to the other, and the compensation therefor ; and any such agreement shall be valid and binding, according to the law and tenor thereof : provided, that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws and the provisions of this Act, and the Company or Companies leasing or entering into agreement for using the said line, may and are hereby authorized to work the said Railway, and in the same manner as if incorporated with its own line ; but this section shall not be construed as purporting or intending to confer rights or powers upon any Company which is not within the legislative authority of this Province.

Arrangements
may be made
with other
companies.

28. The said Company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the Railway or otherwise.

Powers to
pledge bonds.

29. Conveyances of land to the said Company for the purposes of and the powers given by this Act, in the form set out in the Schedule "A," hereunder written, or to the like effect, shall be sufficient conveyances to the said Company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively, of all persons executing the same ; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Conveyances,
how made.

SCHEDULE "A."

Know all men by these presents that I (or we) [*insert the name or names of the vendors*] in consideration of _____ dollars paid to me (or us) by the Leamington, Comber, and Lake St. Clair Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I

(or

(or we) [*insert the name of any other party or parties*] in consideration of paid to me, (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land, situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of this Railway, to hold with the appurtenances unto the said Leamington, Comber, and Lake St. Clair Railway Company, their successors and assigns [*here insert any other clauses, covenants and conditions required*], and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and seventy

Signed, sealed and delivered }
in the presence of } [L.S.]

SCHEDULE "B."

CHIEF ENGINEER'S CERTIFICATE.

The Leamington, Comber and Lake St. Clair Railway Company's Office, Engineer's Department, No. A.D. 187 .

Certificate to be attached to cheques drawn on the Leamington, Comber and Lake St. Clair Railway Municipal Trust Account, given under section twenty of chapter seventy-two of the Acts of the Legislature of Ontario, passed in the fortieth year of Her Majesty's reign.

I, A. B., , Chief Engineer for the Leamington, Comber, and Lake St. Clair Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the Township of , (or under the agreement dated the day of between the corporation of and the said Company) to entitle the said Company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

CHAP. 73.

An Act to incorporate the Niagara and St. Catharines Railroad and Steamboat Company.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the construction of a railroad from the Town of Niagara, in the County of Lincoln, to the City of St. Catharines, or to some point in or near the Village of Merriton,
or

or to some point at or near the Welland Railway, or to some point at, or near, the Great Western Railway, as may be found most suitable, with a view of connecting with the said Railways, or either of them, if deemed expedient, and with full power to pass over any portion of the country between the said points aforesaid, and to carry the said Railway through the Crown lands (if any) lying between the points aforesaid; and of a steamboat or steamboats to connect with said Railway between the ports of Toronto and Niagara in connection with the said Railway, has become desirable; and whereas Henry Paffard, Robt. Best, J. W. Avery, the Mayor and Corporation of the City St. Catharines, the Mayor and Council of the Town of Niagara, Robert Struthers, James Norris, Henry Carlisle, J. T. Kerby, and others, have petitioned the Legislature of this Province for an Act of Incorporation to construct and operate the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Robert Bell, P. J. Close, John Ginty, Peter Patterson, Peter Anderson Scott, James Silliman, John T. Bush, Calvin Brown, Robert Struthers, Frank Stinson, James D. Tait, Henry Paffard, S. H. Follett, Robert Best, J. W. Avery, George A. Clement, J. T. Kerby, and others, together with such persons and corporations as shall, in pursuance of this Act, become shareholders in the said Company are hereby incorporated, and shall become, and are hereby declared to be, a body corporate and politic, by the name of "The Niagara and St. Catharines Railroad and Steamboat Company."

Incorporation
and corporate
name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and the amendments thereto, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices, etc.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be part of this Act, and shall apply to the said Company and to the Railway to be constructed by them, except so far as they may be inconsistent with the enactments thereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Certain clauses
of the Railway
Act to apply.

Interpretation

3. The said Company shall have full power under this Act to construct a Railway from a point in or near the Town of Niagara, in the County of Lincoln, to the City of St. Catharines,

Location of
lines.

OR

or to some point in or near the Village of Merritton, or to some point on the Great Western Railway, in the City of St. Catharines, or the Village of Merritton, as may be found most suitable, with a view of connecting with the said Railways or either of them, if deemed expedient.

Construction
of wharves, &c.

4. The said Company may construct depots, stations, warehouses, wharves, elevators, workshops, offices, and other buildings and works at or near any one of the several points on the line of Railway hereby authorized; and it shall and may be lawful for the said Company to take and appropriate for the use of their said Railway and the works connected therewith, so much of the land as may be necessary for the works of the said Railway, but not to alienate the same save as hereinafter mentioned.

Agreements
with other
railway com-
panies.

5. It shall be lawful for the said Railway and Steamboat Company hereby created, to enter into any arrangement with any other Railway Company or Companies in the Province of Ontario for the working of the said Railway or granting running powers thereon, or to enter into any agreement for the leasing of the said Railway or any part thereof, or the use thereof or any part thereof at any time or times, or for any period, to any such other Railway Company or Companies; or to lease or hire from any other Company or Companies any portion of their Railway or Railways or the use thereof, or for the leasing or hiring from any other Company or Companies, equipment Company or any other party, any locomotives, cars, rolling stock, movable or other property that may be required for the use of said road, or touching any service to be rendered by one or more of such Companies to the other or more of such Companies and the compensation therefor: and generally to make any agreements with such Railway Company or Companies touching the use of the one or the other or more of such named Companies, or by the Niagara and St. Catharines Railroad and Steamboat Company, and any or more of such other Companies, of the Railway or movable property of any or more of said Companies, or of any part or parts thereof; or such other Railway Company or Companies, as well as any other corporation, may agree upon any terms which they may mutually consent to for the loan of its credit to, or may subscribe to and become the owner of the stock of the Railway hereby incorporated, in like manner and with like rights as individuals, and any such lease or agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof; and any Railway Company or other corporations or company accepting or executing such lease or agreement shall be, and is hereby empowered to exercise all the rights and privileges conferred on the said The Niagara and St. Catharines Railroad and Steamboat Company by this Act; provided, that no such lease or agreement shall be valid unless the same shall have been sanctioned by a two-third majority at a general meeting

Amended by
chapter 88, s. 2.

meeting of the shareholders of the Niagara and St. Catharines Railroad and Steamboat Company, specially convened for that purpose.

6. Said Railway may be of any gauge.

Gauge.

7. The capital stock of the Company hereby incorporated shall be two hundred and fifty thousand dollars (with power to increase the same in the manner provided in the Railway Act), to be divided into fifty thousand shares of five dollars, each, as follows :—

Capital stock.

One hundred thousand dollars in preferential shares.

One hundred thousand dollars in steamboat scrip shares ; and

Fifty thousand dollars in railway scrip shares.

To each share of the steamboat scrip stock there will be attached ten coupons, each coupon to be good for a passage between Toronto and Niagara on the Company's steamboat or steamboats owned or chartered by said Company ; and to each share of the railway scrip stock there will be attached twenty coupons, each coupon to be good for a passage on said Railway between Niagara and the City of St Catharines, or to whatever point the said Railway shall terminate at, or to call for its proportionate number of passages for less distances between the said last named places ; all scrip-bearing stock will be entitled at each annual dividend of the said Company to participate in the dividend then declared (each scrip share in the proportion to the coupons thereon originally attached and belonging) ; each subscriber only to be allowed to subscribe for the same number of shares of the preferential stock that he subscribes for, of the steamboat or railway scrip stock of said Company ; and all scrip stock will require to be paid up in full before available for use by the subscriber or subscribers or before the same can be issued ; and no stockholder shall be allowed to hold more than two thousand shares of the stock of the said Company without a resolution having been first passed and entered on the minutes of the books of the Company by a quorum of the board of provisional or elected Directors ; and the money so raised shall be applied in the first place to the payment of the expenses for the passing of this Act, and for making the surveys, plans and estimates of the works hereby authorized, and the remainder of such money shall be applied to the making, building, equipment, completion and working of the said railway and steamboat or steamboats, and the purposes of this Act.

8. From and after the passing of this Act the several persons named in the first section of this Act shall be and are hereby constituted a board of provisional Directors of the said Company, five of whom shall be a quorum with power to fill vacancies therein ; to associate with themselves not more than six other persons, who upon being so named, shall become and be provisional Directors of the said Company equally with themselves ; to open stock books, and procure subscriptions for the undertaking ;

Provisional
Directors

ing; to make calls upon the subscribers; to cause surveys and plans to be executed; and to call a general meeting of the shareholders for the election of Directors as hereinafter provided, and with all such powers as under the Railway Act, or any other law in force in Ontario, as are vested in such boards; and the said provisional Directors or a majority of them may, in their discretion, exclude any person, persons, or company or corporation from subscribing, who, in their judgment, would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act.

When meeting for election of directors may be called.

9. When and so soon as shares to the amount of fifty thousand dollars in the capital stock of the Company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Province or of the Dominion, or when and so soon as such subscriptions, together with the sums granted by the Municipalities through which the said Railway shall run, either by way of bonus or in the subscription to the capital stock, shall amount to the sum of fifty thousand dollars, and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the said chartered banks, in the Town of Niagara or in the City of St. Catharines, in the name of the trustees hereinafter provided, the provisional Directors or majority of them present at a meeting to be duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing Directors, giving at least four weeks' notice in a paper published in the City of Toronto and the City of St. Catharines, and in the Ontario Gazette of the time, place and object of said meeting, and at such general meeting the shareholders present either in person or by proxy and who shall at the opening of said meeting have paid ten per centum on the shares subscribed by them shall elect nine persons to be Directors of the said Company in manner, and qualified as hereinafter directed; which said Directors, together with *ex-officio* Directors under the Railway Act or this Act, shall constitute a Board of Directors and shall hold office until the first day of May in the year following their election.

Who may vote at such meeting.

Board of directors.

Sums on debentures to be deposited; application of calls.

10. The sum so paid shall not be withdrawn from the bank except for the purposes of this Act, nor shall the debentures so deposited be otherwise applied than to the purposes of the Company as defined in the by-law or agreement between the Municipality or Municipalities granting the same and the said Company in relation thereto.

Power to limit amount of call.

11. The Directors for the time being may, from time to time, make calls as they shall think fit, provided no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, company or corporation, and thirty days' notice of such call shall be given as provided in section nine.

12. It shall be lawful for the provisional or elected Directors to accept payment in full for stock from any subscriber thereof at the time of subscription, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber preferential stock and scrip stock to the full amount of such stock subscribed in the proportion prescribed in section seven.

Directors may accept full payment for stock before final call.

13. The directors may make or issue stock as paid up stock, and may pay or agree to pay in such or any paid up stock, or in the bonds of the said Company, such sums as they deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, buildings or lands; and also, when sanctioned by votes of the shareholders at any general meeting for the services of the promoters who may have been the projectors, or other persons who may be employed by the Directors for the purpose of assisting the Directors in the furtherance of the undertaking, or purchase of right of way, material, works, plant, rolling stock, buildings or lands, whether such promoters or other persons be provisional or elected Directors or not.

Directors may issue stock as paid up stock to make certain payments.

14. The general annual meeting of the shareholders of the said Company shall be held at such place in the Town of Niagara, and on such days and on such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least four weeks previous in the *Ontario Gazette*, and once a week for four weeks in a newspaper published at the Cities of Toronto and St. Catharines.

Annual meeting.

15. Special general meetings of the shareholders of the said Company may be held at such places, times, and in such manner, and for such purposes as may be provided by the by-laws of the Company.

Special general meetings.

16. In the election of Directors under this Act, no person shall be elected a Director unless he shall, at the first general meeting, be the holder and owner of at least forty shares of the Company, upon which all calls shall have been paid; and at all subsequent general annual meetings of the shareholders, for the purpose of electing Directors of the said Company, no person shall be elected a Director, unless he shall be the holder and owner of at least fifty shares of the stock of said Company, upon which all calls shall have been paid: Provided, however, that any Municipality which has granted or shall grant a bonus of not less than five thousand dollars to the said Company, shall be entitled through its Council to name its head or other member of said Council as Director in said Company, as the representative of such Municipality; and such Director shall not require to be a shareholder in the Company, and shall continue in office as such Director until his successor shall be appointed by

Qualifications of directors.

by such Municipality ; No stockholder shall be personally liable for the promises, contracts, debts, undertakings, tolls, or liabilities of said Company beyond the amount remaining unpaid upon stock held by him, her, or them, and to that extent only, after the other assets, if any, of said Company shall be realized upon.

Aliens or other foreign corporations may be shareholders.

17. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said Company, and all such shareholders whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office, as Directors in the said Company.

Quorum of directors.

18. At all meetings of the Board of Directors, whether of provisional Directors, or of those elected by the shareholders, five members shall form a quorum for the transaction of business, and the said Board of Directors may employ one of their number as a paid Director.

Aid to railway from Government, &c.

19. The said Company may receive from any government, or from any persons or body corporate, municipal or politic, that may have power to grant the same, aid towards the construction, equipment, or maintenance of the said Railway.

Aid from municipalities.

20. Any municipal corporation which may be interested in securing the construction of the said Railway, or through any part of which, or near which the railway or works of the said Company shall pass or be situate, or at which the steamboat or steamboats of the said Company shall be constructed, may aid the said Company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions herein-after contained: provided always, that no such aid shall be given except after the passing of a by-law by the qualified ratepayers of the Municipality, as provided in the Municipal Act for the creation of debts.

Manner of submitting by-law.

21. Such by-law shall be submitted by the Municipal Council to the vote of the ratepayers, in manner following, viz :—

1. The proper petition shall first be presented to the Council, expressing the desire to aid the Company, and stating in what way, and for what amount, and the Council shall, within four weeks after the receipt of such petition by the Clerk of the Municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

2. The petition shall be that of a majority of the Council thereof, or of fifty resident freeholders, being duly qualified voters, as aforesaid ;

3. For raising the amount so petitioned for, by the issue of the debentures of the Municipality, payable in twenty years,
or

or by annual instalments of principal, with interest, and for the delivery to trustees of the debentures for the amount of the said bonus, gift, or loan, at the times and on the terms specified in said petition ;

4. For assessing and levying upon all the rateable property within the Municipality, an equal annual special rate, as near as may be, sufficient to include a sinking fund for the repayment of the debentures, with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly ; which debentures the Municipal Councils, Mayors, Reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively : provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the said Company, or loaned thereon, the Council of the Municipality holding such stocks or bonds, may sell or dispose of the same, or part thereof, and shall in such case apply the money received therefor in payment of the said debentures and interest.

22. In case the by-law submitted be approved of, or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the Municipal Council which submitted the same shall read the said by-law a third time and pass the same.

If by-law carried, council to pass the same,

23. Within one month after the passing of such by-law, the said Council, the Mayor, Reeve, or other head thereof, and the other officers thereof, shall issue the debentures necessary to raise the sum mentioned in the said by-law, and deliver the same to the trustees to be appointed under this Act.

And issue debentures.

24. It shall be lawful for the corporation of any Municipality, through any part of which the Railway of the said Company passes, or is situate, by by-law especially passed for that purpose, to exempt the said Company, and its property within the said Municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty years.

Power to exempt from taxation.

25. It shall and may be lawful for the Council of any Municipality that may grant, or has granted, a bonus, gift, or loan to the Company, or the undertaking, and they shall have full power to extend the time for completion of the works, on the completion of which the said Company would be entitled to such bonuses, gift, or loan.

Council may extend time when bonus, gift, or loan granted.

26. It shall and may be lawful for any Municipality interested in the construction of the said Railway, to grant by way of gift

Municipality may make gifts of land to gift company.

gift to the said Company, any lands belonging to the said Municipality, which may be required for the purposes of the said Railway, or the traffic thereof; and the said Company shall have power to accept gifts of lands from any government, or any person, or any body, politic or corporate, and shall have power to sell, or otherwise dispose of the same for the benefit of the said Company.

Council may contribute towards expenses of submitting by-law.

27. It shall be lawful for the Council of any Municipality interested in the construction or maintenance of the said Railway, and without complying with the requirements of any Act providing for creation of debts by municipal corporations, on behalf of such Township or other Municipality, to bear all or part of the cost, charges and expenses of, and incidental to, the submission of any by-law to the qualified electors, for granting a bonus, gift, or loan to said Company, or may give the said Company a bonus on account of such costs and expenses.

Agreements to expend bonuses on said railway.

28. Whenever any Municipality shall aid, loan, guarantee, or give money or bonds by way of bonus, to aid the construction or maintenance of said Railway, or otherwise to aid the said Company, it shall be lawful for the said Company to enter into a valid agreement with such Municipality, binding the said Company to expend the whole of such aid so given upon the works of said Railway.

Laying rails on roads.

29. It shall and may be lawful for any Municipality through which the said Railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said Company to make their road and lay their rails along any of the highways within such Municipality, and whether or not the same be in the possession or under the control of any joint stock company, person or persons, then with the assent of such company, person or persons.

Municipal debentures; delivery to trustees.

30. Whenever any Municipality shall grant aid by way of bonus to said Company, the debentures thereof shall, within three months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the Councils of the Municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, if the Municipal Councils interested shall refuse or neglect to name a trustee within four weeks' after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation, inability, or refusal to act of any trustee, the party who originally appointed such trustee so dying, resigning, or becoming incapable or unwilling to act, may appoint a successor; and in the event of such party failing, for two weeks after notice in writing, to make such appointment, the Company may appoint such trustee.

31. The said trustees shall receive the said debentures in trust: Firstly, to deposit the same in some chartered Bank of the Province in the Town of Niagara, or the City of St Catharines; Secondly, to convert the same, or any of them, into money whenever required to do so by the Directors, but subject to the conditions of the by-law in relation thereto, as to time and manner, and to deposit the amount realized from the sale thereof in such bank, in the name of the Niagara and St. Catharines Railroad and Steamboat Company Trust Account.

32. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Act of two trustees to be binding.

33. The Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, not exceeding five thousand dollars per mile of said Railway made and signed by the President and Vice-President of the said Company, and countersigned by the Secretary, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking, and the property of the Company, real or personal then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee, and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and the property of the Company as aforesaid: Provided, that in the event, at any time, of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same rights, privileges, and qualifications for Directors and for voting as are attached to shareholders: Provided further, that the bonds and any transfers shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the Company to register the same, on being required to do so by any holder thereof.

Power to issue preferential bonds.

34. All such bonds, debentures, and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such, so made payable to bearer, may sue at law thereon in his own name.

Bonds, &c., transferable by delivery.

35. The said Company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary of said Company, and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such note or bill so made shall be presumed

Power to become parties to notes, &c.

to

to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said Company affixed to such note or bill, nor shall the President or Vice-President, or the Secretary, be individually responsible for the same, unless the said note or notes, bill or bills have been issued without the sanction and authority of the Directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize said Company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Power to
acquire whole
lots, though
less would
suffice.

36. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits for cars shunting, maintaining or using the said Railway, and in case by purchasing the whole of any lot or parcel of land over which the Railway is run, the Company can obtain at a more reasonable price or to greater advantage than by purchasing the railway line only, the Company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their Railway, and sell and convey the same or any part thereof from time to time as they may deem expedient.

Power to
pledge bonds.

37. The said Company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the power of this Act issue for the construction of this Railway.

Power to
acquire
vessels.

38. The Company, for the purpose of facilitating the said undertaking and the traffic in connection therewith, shall have power to purchase, build, fit, complete and charter, sell or dispose of, work, control and keep in repair steam tugs, barges, steamboats and other vessels to ply in connection with said Railway or otherwise.

Power to hold
additional
property at the
extremities of
the line.

39. The said Company shall have power to purchase and hold such land as may be required at each extremity of the said Railway for the purpose of building thereon storehouses, warehouses, engine houses, wharves, elevators and other erections for the uses of the said Company, and the same or any portion thereof in their discretion to sell or convey; and also to make use for the purposes of the said Railway of the water of any stream or water course at or near which the said Railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

Use of streams.

Telegraph
lines.

40. For the purpose of constructing, working or projecting the telegraph lines to be constructed by the said Company on their line of Railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred on the said Company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to such telegraph lines constructed by the said Company.

41. The said Company shall have power to lease from any equipment company or other body any rolling stock that may be required for use on the said road, and may with the sanction of two-thirds of the shareholders obtained at a special general meeting called for that purpose, make any contract or agreement with any person or corporation, domestic or foreign.

Contracts with
other com-
panies.

42. The said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power as to
charges on
goods coming
into their
possession.

43. Conveyances of lands to the said Company for the purpose of, and powers given by this Act made in the form set out in the Schedule A, hereunder, or to the like effect, shall be sufficient conveyances to the said Company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry law of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Conveyances,
how made.

44. The Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, and of any corporation or person whatsoever, lying along the route or line of said Railway, and to erect and maintain such fences therein, subject to the payment of such damages, if any, caused to such lands, as may be thereafter established to have been actually occasioned by the Company: Provided always that such fences shall be removed by the Company on or before the first day of April then next following.

Power to enter
on lands.

45. This Railway shall be commenced within two years, and finally completed within five years after the passing of this Act.

Commence-
ment and com-
pletion of
railway.

SCHEDULE A.

(See Section 43).

Know all men by these presents that I (or we) (insert also the name of any other person who may be a party), in consideration of _____ dollars, paid to (as the case may be), by "The Niagara and St. Catharines Railroad and Steamboat

boat

boat Company," the receipt whereof is hereby acknowledged, do grant and convey, and the said (*name of such other party and the wife, if the grantee be married*), do grant and release (*or do bar my dower in as the case may be,*) all that certain parcel (*or those certain parcels, as the case may be*) of land, situate (*describe the lands*), the same having been selected and laid out by the said Company for the purposes of the Railway, to hold with the appurtenances unto the said "The Niagara and St. Catharines Railroad and Steamboat Company," their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*), this day of , one thousand eight hundred and seventy-

Signed, sealed, and delivered in presence of

[L. S.]

SCHEDULE B.

(See Section 31).

Chief Engineer's Certificate.

The Niagara and St. Catharines Railroad and Steamboat Company.

No. Engineer's Department. 187 .

Certificate to be attached to cheques drawn on the Niagara and St. Catharines Railroad and Steamboat Company Municipal Trust Account, given under section thirty-one of chapter seventy-three of the Acts of the Legislature of Ontario, passed in the fortieth year of the reign of Her Majesty Queen Victoria :—

I, A. B., Chief Engineer for the Niagara and St. Catharines Railroad and Steamboat Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the Town of (*or under the agreement dated the day of between the Corporation of and the said Company, to entitle the said Company to receive from the said Trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.)*)

Chief Engineer.

CHAP. 74.

An Act respecting the Port Dover and Lake Huron
Railway Company.

[Assented to 2nd March, 1877.]

WHEREAS the Port Dover and Lake Huron Railway Com- Preamble.
pany have petitioned that an Act may be passed to amend
the several Acts of the Company, and to extend the powers conferred upon the said Company; and whereas a meeting of the shareholders of the said Company, called pursuant to the provisions of the said Acts, was held on the tenth day of June, one thousand eight hundred and seventy-five, at Woodstock, in the County of Oxford, in order to obtain their sanction to an issue of bonds under and pursuant to the said Acts in that behalf; and whereas at such meeting the said Directors were authorized to issue bonds, limited to and in accordance with the requirements of the Statute passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, chaptered 37 V. c. 57,
fifty-seven, to the extent of and not exceeding four thousand dollars per mile for each mile in length of the said Railway, together with coupons to be attached thereto for the interest thereon; and the said Directors were also, at the said meeting, authorized to sell and dispose of the said bonds; and whereas the said bonds were issued accordingly to the extent in all of two hundred and fifty thousand dollars, and the same have been to a great extent sold or pledged for the purpose of raising money for prosecuting the said undertaking; and whereas the said Directors of the said Company did duly, and according to the provisions of the said Acts, call another special general meeting of the shareholders of the said Company, for the purpose of obtaining their sanction, pursuant to the said Acts, for a second issue of bonds to the extent of one hundred and twenty-five thousand dollars, and to the issue of one hundred thousand dollars of paid-up stock in said Company, which said special general meeting was held at the said Town of Woodstock on the twentieth day of March, one thousand eight hundred and seventy-six; and whereas at such last mentioned meeting the said Directors were authorized to issue one hundred thousand dollars of paid-up shares of the capital stock of the said Company, and to make a further and second issue of bonds, under the twenty-fifth section of the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, chaptered fifty-seven (subject to and to rank after the said first issue of two hundred and fifty thousand dollars of bonds), of one hundred and twenty-five thousand dollars, and to be second preference bonds, for the purpose of raising an additional sum of money for the prosecution of the said undertaking; and the said Directors were, at such last-mentioned meeting, authorized to allot, sell and dispose of, as they should see fit, the said last-mentioned

mentioned bonds and the said one hundred thousand dollars of paid-up shares of the said capital stock ; and whereas the said last-mentioned bonds have been issued to the extent of one hundred and twenty-five thousand dollars, and the same have nearly all been sold or pledged for the purpose of raising money for prosecuting the said undertaking, and the said shares of the said capital stock allotted in connection with sales of said bonds ; and whereas, at the meeting of the shareholders first above recited, the said President or Vice-President of the said Company, and the Secretary and Treasurer thereof, were authorized and empowered to execute, sign, and seal with the corporate seal of the said Company, and deliver an agreement in writing, binding the said Company not to issue first mortgage bonds on the said Railway to a greater amount than four thousand dollars per mile for every mile in length of the said Railway ; and whereas the said President and Secretary and Treasurer did, under the said authority, enter into an agreement in accordance therewith, and affix the corporate seal of the Company thereto, with the holders of the said first issue of bonds, limiting the issue of the said first issue of bonds as aforesaid ; and whereas, at the said meeting secondly above mentioned, the said shareholders duly authorized the said President and Vice-President and the said Secretary and Treasurer to sign, seal with the corporate seal, execute and deliver to the holders or subscribers therefor, an agreement in writing, binding the said Company not to issue bonds forming a second preferential claim upon the property of the said Company to a greater amount than the said issue of one hundred and twenty-five thousand dollars ; and whereas the said President and Secretary and Treasurer did duly, by an agreement duly executed, bind the said Company not to issue bonds forming a second preferential claim upon the property of the said Company to a greater amount than one hundred and twenty-five thousand dollars ; and whereas the President and Directors of the said Company did duly, and according to the provisions of the said Acts, call another special general meeting of the shareholders of the said Company, to be held at Woodstock aforesaid on the fourteenth day of November, one thousand eight hundred and seventy-six, for the purpose of obtaining the sanction of the said shareholders to the calling in, redemption, and cancellation of the said two issues of bonds, and to the issue of new bonds in lieu thereof to the extent of ninety-five thousand pounds sterling money of Great Britain, or its equivalent in lawful money of Canada ; and whereas at the said last named meeting the said Directors were authorized and empowered to issue bonds limited to the requirements of the said Acts, to the extent of and not exceeding in the whole ninety-five thousand pounds sterling money of Great Britain, or its equivalent in amount in lawful money of Canada, to which total amount the first preference bonded debt of the said Company thereby authorized was thereby limited, together with the coupons to be attached thereto, for the interest thereon, payable half yearly at the rate of six per cent

cent. per annum, at the office of the Bank of Montreal, in the City of London, England, or at the office of the Bank of Montreal, in the City of Toronto, in the Province of Ontario, or such other place or places either in England or the Dominion of Canada, as the said Directors should see fit, the said last mentioned bonds to be payable in twenty years from the first day of January next, at the same place or places where the interest thereon shall be made payable, and the said last mentioned bonds to be made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and the said coupons signed by the Secretary and Treasurer, and the said last mentioned bonds to be issued under the seal of the said Company, and made payable either in sterling money of Great Britain, or lawful money of Canada, for the purpose of raising money to redeem, call in, and cancel the said two issues of bonds theretofore made, and for prosecuting the said undertaking: And whereas at the said last named meeting the said Directors were further authorized and empowered, should they consider it advisable, to allow part of the bonds theretofore issued to remain outstanding on the condition that they should not in such case issue such a portion of the said issue of bonds lastly authorized as would be equal in value both in principal and interest to the said bonds so left outstanding, but so that in no case should the quantity of bonds including those left outstanding of the bonds theretofore issued, and those lastly authorized exceed ninety-five thousand pounds sterling or its equivalent in lawful money of Canada: And whereas in pursuance of the resolutions passed at the said meeting held on the fourteenth day of November last, bonds to the amount of seventy-six thousand pounds sterling have been issued for the purpose of redeeming, calling in and cancelling four-fifths of the said two issues of bonds made before the said fourteenth day of November last, and for prosecuting the said undertaking: And whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The resolutions of the shareholders of the said Company passed by them at the said meeting on the tenth day of June, in the year of our Lord, one thousand eight hundred and seventy-five, and the resolutions and by-laws of the said Company to carry out the same, passed at the Board Meetings of the said Directors, whereby the issue of first mortgage bonds on the said Railway was limited to four thousand dollars per mile for every mile in length of the said Railway, and the said recited agreement made with the holders of said bonds respecting the same are hereby confirmed and declared valid and binding, and the said meeting is hereby declared to have been properly held and called, and the said agreement properly entered into, and the bonds issued thereunder are hereby confirmed and

Resolution
limiting bonds
to \$4,000 per
mile confirm-
ed.

are

are hereby declared to form a first and preferential, and the only first and preferential claim and charge upon the said Railway, and upon the real and personal property of the Company at the date thereof existing, or at any time thereafter acquired, subject to the provisions hereinafter contained, and the said issue of the said first mortgage bonds is hereby limited to the amount of four thousand dollars per mile for every mile in length of said Railway, subject as aforesaid.

Second issue
of bonds
\$125,000, and
shares \$100,000
confirmed.

2. The resolutions of the shareholders of the said Company, passed by them at said meeting, held on the twentieth day of March, one thousand eight hundred and seventy-six, whereby a second issue of first mortgage bonds (subject to and to rank after the said first issue of four thousand dollars per mile) was authorized to be issued to the amount of one hundred and twenty-five thousand dollars, and one hundred thousand dollars of paid up shares of the capital stock of the said Company was authorized to be issued and allotted, and the said in part recited agreement respecting the same are hereby confirmed and declared to be valid and binding, and the said meeting is hereby declared to have been properly held and called, and the bonds and paid up stock issued, allotted, and sold thereunder, are hereby confirmed, and declared to be valid and binding on all parties, and neither the purchasers nor holders thereof, nor the Directors or officers of, the said Company, shall be liable to any person or persons whomsoever or to the said Company, to make good the difference between the face or par value of the said last-mentioned bonds and paid up stock, or either of them; and the price they paid for the same and such bonds are hereby declared to be and to form a second preference issue of mortgage bonds on the said Railway, and shall be taken and considered to be a second preferential claim and charge upon the said Railway, and the undertaking, and the real and personal property of the said Company at the date thereof existing, or at any time thereafter acquired, next after and subject only to said issue of two hundred and fifty thousand dollars of bonds, and subject also to the provisions hereinafter contained, and such issue of second preference mortgage bonds shall be the only issue of second preference mortgage bonds on the said Railway, and the real and personal property of the said Company, subject as aforesaid, and the said as aforesaid issue of second preference mortgage bonds is hereby limited to the said sum of one hundred and twenty-five thousand dollars, subject as aforesaid, and each holder of any of the said second preference mortgage bonds shall be deemed to be a mortgagee, and an incumbrancer *pro rata* with all the other holders of the said second preference mortgage bonds upon the undertaking and property of the said Company as aforesaid, subject as aforesaid.

Resolutions
Nov. 14, 1876.
confirmed.

3. The resolutions of the shareholders of the said Company passed by them at the said meeting on the fourteenth day
of

of November, A. D. 1876, are hereby confirmed and declared legal, valid and binding, and the said meeting is hereby declared to have been duly and properly called and held.

4. The first preference bonded debt of the said Company is hereby limited and restricted to the total amount of ninety-five thousand pounds sterling money of Great Britain or its equivalent in lawful money of Canada.

First preference bonded debt restricted to £95,000.

5. Upon four-fifths of the bonds of the said Railway issued prior to the fourteenth day of November last, being paid, surrendered or cancelled or exchanged for other bonds issued by said Company, the said issue of bonds to the amount of seventy-six thousand pounds of sterling money of Great Britain, and the bonds for the balance of said first preference bonded debt of ninety-five thousand pounds sterling, to be issued as hereinafter provided, are hereby declared to be valid and binding upon the said Company, and to have been issued according to law and the provisions of the said Act passed in the thirty-seventh year of Her Majesty's reign, and chaptered fifty-seven, and to be the only and total first preference bonded debt of the said Company, and shall without registration or formal conveyance, be taken and be considered to be a first preferential claim and charge upon the Railway and the undertaking and property of the Company, real and personal then existing, or at any time thereafter acquired, and each holder of the said first preference mortgage bonds, shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the holders thereof, upon the undertaking and the property of the Company as aforesaid: And provided also, that in the event at any time of the interest upon the said first preference bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said Company, all holders of such last mentioned bonds, shall have and possess the same rights and privileges and qualifications for Directors and for voting, as are attached to shareholders: Provided, that such bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Upon four-fifths of issue of bonds prior to 14th Nov. 1876, being redeemed, issue of £76,000 to be first preference bonds.

37 V. c. 57.

Proviso.

6. The Directors shall have power to issue the remaining part of the said first preferential bonds for the balance of the said first preferential debt of ninety-five thousand pounds sterling for the purposes mentioned in the said resolutions of the fourteenth day of November last, as hereinbefore recited: Provided, that an amount shall be reserved equal to the amount of the remaining one-fifth of the said bonds issued before the said fourteenth day of November last and that such reserved bonds or a proportionate part thereof, shall only be issued and applied for the purpose of paying or cancelling said remaining one-fifth of said bonds, issued prior to the fourteenth day of November last, or a proportionate part thereof.

Directors may issue first bonds for balance of £95,000 preferential debt. Proviso.

So much of remaining one-fifth of issues prior to 14th Nov. as is not redeemed, to be first preference bonded debt.

7. Notwithstanding anything in this Act, or any agreement hereinbefore mentioned or contained, the remaining one-fifth part of the said bonds issued before the fourteenth day of November, or any part thereof, which shall not be paid, or cancelled, or exchanged, shall form part of the first preference bonded debt of the said Company, and in every respect shall stand, *pari passu*, with the said bonds already issued to the amount of seventy-six thousand pounds sterling, and the balance of bonds to be issued, as part of the said first preference bonded debt of ninety-five thousand pounds sterling.

Second preference bonds to amount of \$168,000 may be issued.

8. The Directors of the said Company, with the sanction of the shareholders thereof, first obtained in the manner provided by the said Act of thirty-seventh Victoria, chapter fifty-seven, shall have power to issue second preference mortgage bonds, executed in the same manner as first preference bonds are by the said Act authorized to be executed, to the extent or for the sum of, in all, one hundred and sixty-eight thousand dollars, or its equivalent of sterling money of Great Britain, with coupons attached for the payment of interest at such rate as the shareholders shall sanction when they authorize the issue of such last-mentioned bonds, such coupons to be signed by the Secretary and Treasurer of the said Company; and such last mentioned bonds shall, without registration or formal conveyance, be taken and be considered to be a second preferential claim and charge upon the Railway and the undertaking and the property of the Company, real and personal, then existing and at any time thereafter acquired, next after and subject only to said issue of ninety-five thousand pounds sterling of bonds, or its equivalent in lawful money of Canada; and each holder of the said second preference mortgage bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and the property of the Company as aforesaid, subject to the said first preference bonds: And provided also, that in the event at any time of the interest upon the said second preference bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said Company, all holders of such last-mentioned bonds shall have and possess the same rights and privileges and qualifications for Directors, and for voting, as are attached to shareholders: Provided, that such last-mentioned bonds, and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares.

Bonds may be in sterling money of Great Britain, or currency.

9. The bonds hereinbefore authorized to be issued, and any re-issues or renewals thereof, or of any bonds already issued may be expressed to be payable in sterling money of Great Britain, or in current money of Canada, or one issue in one, and the other issue or issues in the other; and the place or places of payment may be in Great Britain or in Canada, and the same and all coupons and interest warrants thereon respectively,

respectively, may be made payable to the bearer or order, and shall be transferable by endorsement or delivery, and any holder of such securities may sue thereon in his or her own name; and the Directors may, by resolution, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof and the interest thereon, and other particulars in reference thereto.

10. The Directors of the said Company are hereby authorized and empowered, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time, for such purpose from time to time, and as often as they may deem advisable, to re-issue or renew the whole or any part of the said bonds; and at any time, and from time to time, with the assent of the holders thereof, or any part thereof, to call in and cancel any of the said bonds, and issue new or other ones in place thereof, and with the assent of the holders thereof, at any time and from time to time, to exchange one for another, or one kind for another, upon such terms as the said Directors shall see fit, being first authorized by the stockholders at such meeting as aforesaid; but always providing that at no time shall there be issued and outstanding against the Company any more bonds of either of the said classes than ninety-five thousand pounds sterling or its equivalent in lawful money of Canada, of first preference bonds, and one hundred and sixty-eight thousand dollars, of lawful money of Canada or its equivalent in sterling of second preference bonds, and the issue and allotment of the said one hundred thousand dollars of paid-up shares of capital stock of the said Company, as issued and allotted by the Directors of the said Company, is hereby declared and confirmed to be valid, and the holders thereof are hereby declared to be the owners thereof, free from any liability of calls in respect thereof, or for payment thereof, or otherwise howsoever, in as full and ample a manner as if they had respectively paid full par value therefor.

Directors may
re-issue or
renew bonds.

11. The said Company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures, or mortgage securities, which, under the provisions of the said Act and of this Act, can be issued for the construction of the said Railway, and all pledges of bonds heretofore made by the said Directors are hereby declared to be valid.

Company may
mortgage
bonds.

12. The tenth section of the Act passed by the Legislature of the Province of Ontario, in the thirty-sixth year of the reign of Her Majesty, entitled "An Act to amend the Act intituled, 'An Act to incorporate the Port Dover and Lake Huron Railway Company,' and to extend the powers conferred upon the said Company," is hereby amended by inserting after the word Company in the sixth line of the said section the following

36 V. c. 88, s.
10 amended.

lowing words, "and to purchase, acquire and hold Port Dover Harbour on Lake Erie with its appurtenances and franchises," and by adding at the end of said section the following words, "and also to repair, erect and build, all such necessary moles, piers, wharves, buildings and erections whatsoever as shall be safe and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying loading and unloading within the same, and to alter and amend, repair and enlarge the same as may be found expedient and necessary," and the said section hereby amended shall be construed and considered as if the words hereby inserted in and added thereto had been originally inserted in and added to the said section.

Purchase of Port Dover harbour confirmed.

13. The purchase by the said Company from the Dominion of Canada of the Port Dover Harbour on Lake Erie with the appurtenances and franchises thereof is hereby confirmed, so far as the Legislative Assembly of the Province of Ontario has jurisdiction and authority to confirm the same.

35 V. c. 53. s. 10, amended.

14. The provisions of the tenth section of the Act of Incorporation of the said Company as to the notice requisite for the general annual, and other general meetings of the shareholders of the Company, are hereby repealed, and such notice shall be sufficient if the same be published once in the *Ontario Gazette*, at least two weeks previous to the day of such meeting, and once a week in one newspaper published in each County through which the said Railway runs, during the two weeks preceding the week, in which such meeting is to be held.

Repeal of inconsistent enactments.

15. All sections and parts of sections of the Acts of the Ontario Legislature heretofore passed in reference to the Port Dover and Lake Huron Railway Company, inconsistent with this Act, are hereby repealed.

CHAP. 75.

An Act respecting the North Simcoe Railway Company.

[Assented to 2nd March, 1877.]

Preamble.

38 V. c. 53.

WHEREAS the North Simcoe Railway Company has by petition prayed for certain amendments to their charter, and of the Act amending the same, passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-three; and whereas the Municipalities of Tiny and Penetanguishene, whose debentures are alone affected by this Act, have

have by their petitions assented thereto ; and whereas it is expedient to grant the prayer of the said petitioners ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The sixteenth and eighteenth sections of chapter fifty-four of the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, are hereby amended by inserting in each of the said sections after the word "Toronto" the words "or the village of Penetanguishene." 37 V. c. 54,
ss. 16 and 18,
amended.

2. The first section of chapter fifty-three of the Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, is hereby amended by adding thereto the following words, "and the same are hereby made legal and valid notwithstanding any change that may be made in the route of the said Railway from that stipulated for with the said Municipalities: Provided always, that the route adopted by the said Company is within the powers conferred by that charter." 38 V. c. 53, s.
1, amended.

3. The second section of the Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, chaptered fifty-three, is hereby amended by inserting the words "or the Hamilton and North Western Railway" after the word "Canada" in said section. 38 V. c. 53, s.
2, amended.

4. The by-law of the Village of Alliston granting a bonus to the said Company, and the debentures issued or to be issued under the authority of the same, are hereby declared to be legal and valid. By law of
Alliston
confirmed.

CHAP. 76.

An Act relating to The Hamilton and North-Western Railway Company.

[Assented to 2nd March, 1877.]

WHEREAS the Hamilton and North-Western Railway Company have applied for the confirmation of an agreement with the Township of Innisfil, and certain alterations in the by-laws of the City of Hamilton and County of Simcoe, aiding the said Company, and for certain amendments to their Acts ; and whereas it is desirable to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Agreement between Company and Township of Innisfil legalized.

1. An agreement bearing date the twenty-eighth day of November, in the year of our Lord one thousand eight hundred and seventy-six, between the said Company of the first part, and the Corporation of the Township of Innisfil, of the second part, having reference to the by-law of the said Township granting aid to the said Company, is hereby declared to be good, valid and effectual, and binding upon the parties thereto respectively.

Grouped Municipalities of Simcoe divided into sections.

2. The Municipalities forming the group or portion of the County of Simcoe, mentioned in the by-law of the County of Simcoe, number two hundred and twenty, granting aid to the said Company to the extent of three hundred thousand dollars, shall for the purposes of the said by-law, and of the rate levied or imposed thereby, and of the rate by this Act imposed, be divided into two sections, one section to be composed of the Townships of West Gwillimbury, Tecumseth, and Vespra, and that portion of the Township of Essa lying east of the sixth concession of the said Township, and of the Town of Barrie, which is hereinafter called the "Main line Section," and the other section to be composed of the remaining Townships and portions of Townships and the Town of Collingwood, except the Township of Adjala, mentioned in the said by-law, and herein called "The Collingwood Branch Section."

Township of Adjala to belong to both sections.

3. In addition to the Municipalities and portions of Municipalities composing each of such sections, the Township of Adjala shall be held to belong to each of such sections to the extent and with the intent that the said Township shall be held in the past to have contributed, and in the future liable to contribute one half of the amount levied or to be levied under the said by-law, or this Act, to the main line section, and one half to the Collingwood branch section, and the amount levied or to be levied on the said Township, under the said by-law and this Act, shall be apportioned and applied accordingly.

The bonus how borne by each section.

4. The said bonus of three hundred thousand dollars granted by the said by-law, shall be borne and paid by the said two sections, in the proportions of one hundred and seventy thousand dollars for the main line section, and one hundred and thirty thousand dollars for the Collingwood branch section, as well in respect of all the taxes and rates which have been heretofore levied and collected under the said by-law, as of all taxes and rates which should or might have been levied and collected thereunder, and of all taxes and rates which may hereafter be levied and collected under the said by-law or this Act.

Taxes, &c., to be kept in separate accounts for each section.

5. The taxes heretofore collected, paid or payable upon the sections respectively, together with the assessments and rates by the said by-law imposed and hereafter to be levied and collected by virtue thereof, or of this Act, shall be carried to the credit of two separate accounts, to be opened and kept by the

Treasurer

Treasurer of the County of Simcoe, to be called respectively "The Hamilton and North-Western Railway Sinking Fund Account for the Main Line Section" and "The Hamilton and North-Western Railway Sinking Fund Account for the Collingwood Branch Section" according as the same have been or may hereafter be collected or levied from the Municipalities or portions of Municipalities forming "The Main Line Section," or from those forming "The Collingwood Branch Section;" and for the purpose of the said accounts, the said Treasurer is, in respect of the moneys heretofore collected from the said Townships of Adjala and Essa, to credit the said account for "The Main Line Section," with one half of the moneys received from the said Township of Adjala, and two-thirds of the moneys received from the said Township of Essa, and the residue of the moneys received from the said Townships respectively, to the account of the Collingwood branch section.

6. The trustees for the time being, of the said bonus, shall, in respect of the moneys already received by them in payment or liquidation of the debentures of the said County, issued under the said by-law, and of the interest thereon, open and keep two accounts under the like or similar designations and upon the certificate under the hands of the Warden and Treasurer of the said County, of the amount or proportion of the money which has been so received by them applicable to the said accounts respectively they shall credit each of the said accounts with the appropriate amounts so certified to them under the hands of the said Warden and Treasurer, and the said trustees shall thereupon make up an account of the moneys so credited in the main line section account, which have been received in payment or part payment of the principal of debentures, and shall deduct such amount from the said sum of one hundred and seventy thousand dollars, and shall make up a like account of the moneys so credited in the Collingwood branch section account which have been received in payment or part payment of the principal of debentures, and shall deduct such amount from the said sum of one hundred and thirty thousand dollars, and the respective balances thus shown shall be and are hereby declared to be the amounts of the debentures issued under the said by-law yet remaining to be paid by "The Main Line Section" and "The Collingwood Branch Section" respectively.

Trustees to
keep separate
accounts.

7. The said trustees and the Treasurer of the said County of Simcoe, shall thereupon select from the said debentures yet to mature, a sufficient number and amount thereof computed at their principal amounts to make up the principal sum so found to be remaining unpaid of the said sum of one hundred and seventy thousand dollars, and the debentures so selected shall be taken from the debentures falling due in each and every year under the said by-law as nearly as may be in the same proportion as the debentures issued under the said by-law would mature according to the terms thereof, and such debentures

Trustees to
reserve debentures to an amount sufficient to make up the unpaid principal of the bonus to main line.

tures and the coupons thereto attached, shall as between the several Municipalities comprised in the said group be chargeable against and be payable out of the rate imposed and to be levied by the said by-law on the Municipalities or portions of Municipalities composing the main line section, and not on any other part or portion of the said group except as respects the Township of Adjala as hereinafter provided.

Issue of new
debentures,

8. The Warden of the said County is hereby required forthwith to make and issue debentures of the said County of a like amount with the debentures heretofore issued under the said by-law, and remaining in the hands of the said trustees after such selection, and such debentures shall be in sums of not less than one hundred dollars each, and shall be sealed with the corporate seal of the Corporation of the County of Simcoe, and be signed by the Warden and countersigned by the Treasurer of the said County, and upon such new debentures being delivered to the said trustees, they shall give up to the said Treasurer the debentures issued under the said by-law so remaining in their hands after such selection, and the same shall be thereupon cancelled.

When and how
payable.

9. Such new debentures shall be made payable at the office of the Bank of Toronto, in the Town of Barrie, in annual instalments at such times and in such amounts as may be agreed upon and determined by the said trustees and the said Treasurer, but so that the equal special rate hereinafter imposed, shall be sufficient according to the assessment roll of the year one thousand eight hundred and seventy-seven to meet and pay such debentures, with the interest thereon, at the rate of six per cent. per annum, but the first maturing of such debentures shall be payable on the first day of January one thousand eight hundred and eighty, and not before, and the other debentures shall be payable on the first day of January in the then next succeeding years, and no interest shall be computed upon, or be made payable with, the said debentures, except from the first day of January one thousand eight hundred and seventy-eight, and thereafter the interest shall be payable on the first day of January and July in each year, at the office of the Bank of Toronto aforesaid.

Payment of
interest for
1878.

10. For the purpose of forming a fund for the payment of the interest on the said new debentures, to fall due in the year one thousand eight hundred and seventy-eight, a sufficient rate in addition to all other rates, shall in that year be raised, levied, and collected, upon all the rateable property within the section of the said County above defined, and called the Collingwood Branch Section, if the Company shall have *bona fide* commenced and carried on the construction of the branch line to Collingwood, before the first day of June, one thousand eight hundred and seventy-eight, but if the said Company shall not have *bona fide* commenced and carried on the construction of such branch before

before such last-mentioned day, then no rate shall be raised, nor shall any interest on such debentures be paid for the year one thousand eight hundred and seventy-eight. After the year one thousand eight hundred and seventy-eight and during the continuance of such new debentures, or any of them, an equal special rate of three and a half mills on the dollar shall, in addition to all other rates, be raised, levied, and collected in each year, upon all rateable property comprised in the section of the County above defined, and called the Collingwood Branch Section.

11. The said by-law, number two hundred and twenty, is hereby declared to be good, valid, and effectual, and in full force and effect for all purposes, except that from and after the delivery of such new or substituted debentures, no rate shall be levied thereunder for or in respect of that portion of the debentures issued thereunder, in place of which such new debentures are by this Act to be issued; and as to so much of such by-law as provides for levying a rate upon the Collingwood branch section, the same is hereby thenceforth vacated and declared to be of no further force or effect, but nothing in this Act contained shall in any way alter or affect the terms or conditions of any agreements heretofore entered into between the said Company and the County of Simcoe, or any of the Municipalities comprised in the group in said by-law mentioned, except only in so far as the same may be inconsistent with the provisions of this Act.

By-law No.
220 legalized
in certain
particulars.

12. It is hereby declared that the rate to be levied henceforth on the Township of Adjala, under the said by-law number two hundred and twenty, is and shall be one-half of the rate imposed by the said by-law; and the amount so levied shall be carried to the credit of the main line section account; and the rate to be levied on the said Township of Adjala under this Act is and shall be one-half of the rate imposed by this Act; and the amount so levied under this Act shall be carried to the credit of the Collingwood branch section account.

Rate to be
levied in Ad-
jala,

How applied.

13. Notwithstanding the terms and conditions of the said by-law number two hundred and twenty of the County of Simcoe, or anything herein contained, the said Company are hereby declared to be entitled to demand and receive one hundred and seventy thousand dollars of the said bonus, given by the said by-law, being the proportion thereof applicable to the portion of the Company's line from the point at which it will enter the County of Simcoe, to the Town of Barrie, herein called the main line, and the trustees thereof are authorized and required to pay the same on the terms and in the same manner mentioned in said by-law, and any agreements relating thereto, but subject to the variations thereof herein contained, that is to say, the proportion aforesaid may and shall be paid over by the said trustees to the said Company in respect to the main line, for work actually done, and materials

Company to be
entitled to re-
ceive \$170,000
of the County
of Simcoe
bonus.

rials therefor provided within the County of Simcoe, in the proportion that such proportion of the bonus bears to the contract price for construction and completion of the main line, and such payments shall be made from time to time, on the monthly certificate of the Engineer, showing the value of such work and materials done and provided during the preceding month, and the proportion the same bears to the whole of such contract price, up to the time of the arrival at Montreal of a sufficient quantity of rails and fastenings, necessary and requisite for the due and proper completion of such portion, and then so much of such portion of the bonus as may remain in the hands of the trustees unexpended shall be paid over by them to the said Company on their applying for and requiring the same, and upon delivery to the said trustees of the bills of lading for such rails and fastenings free and clear of any claim thereon; and the said trustees shall hold such rails and fastenings by way of security for the sum paid by them to the Company on such delivery and in trust to suffer and permit the said Company to transport the same to their line of railway, and lay the same on such main line; and on such rails being laid thereon the said trustees shall be taken to be relieved and discharged from all trusts in respect of such portion of the bonus: Provided always, that said Company shall not be entitled to require payment of the unexpended portion of such bonus on the arrival of such rails and fastenings, unless the work of grading on the said main line shall have been carried on up to that time to the satisfaction of the County Council of the County of Simcoe, nor until the said County Council in council duly assembled, agrees thereto, who it is understood are to have and exercise a free discretion in the said matter; And provided further, that if the said Company shall not be entitled under the preceding proviso to the then unexpended portion of such bonus, or shall not require or receive the same, they shall nevertheless continue to receive the same in the proportion hereinbefore mentioned, on the certificate of the Engineer from time to time, and shall receive the balance thereof on the main line being inspected and passed by the Government Engineer, as entitled to the aid granted by the Government of the Province of Ontario: And further, that the residue of such bonus, being the amount of one hundred and thirty thousand dollars applicable to the branch of the Company's line from a point on the main line in the Township of Tecumseth, to the Town of Collingwood, herein called the branch line, shall be paid over by the said trustees to the said Company in respect of such branch line, for work actually done and materials therefor provided within the County of Simcoe, in the proportion that the bonus of one hundred and thirty thousand dollars bears to the contract price for the construction and completion of such branch line and that such payments be made from time to time on the monthly certificate of the Engineer showing the value of such work and materials done and provided during the preceding month, and the proportion the same bears to the whole of such contract

Proviso.

Proviso.

contract price with the right to the Company, on the arrival at Montreal of a sufficient quantity of rails and fastenings requisite and necessary for the completion of such branch line to require and receive so much of such bonus as shall be then unexpended on the delivery of the bills of lading for such rails and fastenings to the trustees, in like manner as hereinbefore provided in respect of the main line; and the like terms, conditions and provisoes as hereinbefore contained in respect of the main line, shall apply to such branch line and the portion of the bonus therefor, and the rails and fastenings for the same, as fully as if they were repeated herein with such alterations as to make them applicable to such branch line.

14. The provisions of the twenty-fourth section of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered fifty-five, shall not apply to the trustees for the time being of the bonus granted by the County of Simcoe under the said by-law; but if the three trustees shall fail to concur in any act within the scope of the powers vested in them, then and so often as they shall so fail to concur, the point or matter in difference between the three trustees shall be submitted to and determined by the Judge or Junior Judge of the County Court of the County of Simcoe, who, consenting thereto, is hereby appointed arbitrator to adjudge and determine such point or matter in difference, and his award or certificate on the point or matter submitted, if made within twenty days from the time of the same being so submitted, shall be binding upon all parties, and all three trustees shall concur in any and every act necessary to carry the same into effect; but unless such Judge or Junior Judge shall make such award or certificate within the time aforesaid, then the act of any two of such trustees shall be as valid and binding as if the three had agreed: Provided always, that the Judge may, if in his opinion necessary, from time to time further enlarge the time for making his award or certificate in respect of such matter or matters.

35 V. c. 55, s. 24, not to apply to the trustees of the Simcoe bonus.

Differences between trustees.

15. Nothing herein contained shall affect the provisions of the thirteenth section of the Act relating to the said Company, passed in the thirty-ninth year of Her Majesty's reign, chaptered seventy-two, except that the amount which shall be payable by the trustees to the Corporation of the County of Simcoe, instead of being at the rate of eighteen thousand dollars per annum shall be arrived at as follows:—As to the main line section and the proportion of the said bonus applicable thereto—the amount which shall be payable shall be at the rate of an amount equal to six per centum per annum on the sum of one hundred and seventy thousand dollars, or on so much of such bonus of one hundred and seventy thousand dollars as shall be unexpended at the time such amount shall be payable, and any sums which may be paid by the said trustees to the Corporation of the County of Simcoe in respect thereof shall be paid over by the said County to the several Municipalities forming the

39 V. c. 72, s. 13, how affected.

the main line section and including the Township of Adjala, in the proportions that they respectively contribute to the bonus of one hundred and seventy thousand dollars; and as to the Collingwood branch section, and the proportion of the bonus applicable thereto, the amount which shall be payable shall be at the rate of an amount equal to six per centum per annum on the sum of one hundred and thirty thousand dollars, or on so much of such bonus of one hundred and thirty thousand dollars as shall be unexpended at the time such amount shall be payable; and any sums which may be paid by the said trustees to the Corporation of the County of Simcoe in respect thereto shall be paid over by the said County to the said Municipalities forming the Collingwood branch section and including the Township of Adjala, in the proportions that they respectively contribute to the bonus of one hundred and thirty thousand dollars; but no sum shall be payable in respect of the said bonus of one hundred and thirty thousand dollars except in respect of the period during which interest on the debentures to be issued for the Collingwood branch section becomes payable under this Act.

Trustees to pay at the rate of \$690 annually to the Town of Collingwood until commencement of the Collingwood branch.

16. The trustees holding the debentures of the Town of Collingwood issued under the by-law in aid of the said Company be, and they hereby are authorized and required out of the interest on such debentures come or which may come to their hands, to pay to the Corporation of the Town of Collingwood a sum of money at the rate of six hundred and ninety dollars per annum from the first day of January one thousand eight hundred and seventy-six up to the time at which the works of construction on the Collingwood branch of the said Railway shall have been commenced and thenceforward carried on continuously; and further, that if the continuous prosecution of the works on the said branch be not *bona fide* carried on, that a sum of money to be computed at a like rate of six hundred and ninety dollars per annum for the period during which the said work is not continuously prosecuted shall be paid by the trustees to the Corporation of the Town of Collingwood. In case of any difference between the Company and the Municipal Council of the Town of Collingwood as to the question of *bona fide* commencement or continuance of the work on such branch, the same shall be determined by arbitrators chosen by the said Company and the Municipal Council of the Town of Collingwood respectively, and such arbitration proceedings shall be as nearly as may be in the manner provided in the thirteenth section of the Act passed in the thirty-ninth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-two.

Clause 15 of By-law No. 87 of Hamilton, repealed.

17. The paragraph or condition in by-law number eighty-seven, passed by the City of Hamilton to aid the said Company, numbered fifteen, shall be, and the same hereby is repealed and annulled.

CHAP. 77.

An Act respecting the Credit Valley Railway Company.

[Assented to 2nd March, 1877.]

WHEREAS the Credit Valley Railway Company have Preamble petitioned that an Act may be passed to amend the Act incorporating the Company, by granting further time for completing the said Railway, and by making certain other amendments: And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section forty of the Act passed in the thirty-fourth year of Her Majesty's reign and chaptered thirty-eight, is hereby 34 V. c. 38, s. 40, amended amended by striking out the word "five" in said section and substituting the word "ten;" and the said section shall in all respects be construed as if ten years had been originally allowed for the completing of the said Railway.

2. The sixth section of the Act passed in the thirty-fifth year of Her Majesty's reign and chaptered forty-seven, is hereby 35 V. c. 47, s. 6, amended. amended by adding thereto the following words: "Provided that in case aid has been, or may hereafter be granted, under the provisions of this section, to the said Company, it shall be competent for three hundred persons in any City and fifty persons in any other Municipality, rated and qualified as aforesaid, to present another petition praying for additional aid, and all the provisions of this section shall apply to such supplementary petition; and in case a by-law, submitted to the vote of the qualified voters under this section, be approved or carried by the majority of the votes given thereon, then the provisions of the Act incorporating the said Company, so far as applicable, shall apply thereto:" Proviso. Provided that before any such by-law is submitted, the Railway Company shall deposit with the Treasurer of the Municipality, a sum sufficient to pay the expenses incurred in the submission and voting upon such by-law aforesaid, which said sum in the event of the by-law having been approved of, shall be refunded to the said Company, but not otherwise; and Proviso. Provided always, that where aid has already been granted to the said Railway Company by a portion of a Municipality or by a group of Municipalities or of portions of Municipalities under what is known as the "grouping clauses" this Act shall not be construed to authorize a supplementary petition to be presented praying for further aid by such portion or group.

Resolutions confirmed.

3. And whereas the said Company have by the two resolutions set forth in the Schedule hereto, cancelled, called in, and revoked their first issue of bonds as therein described, and have authorized the issue of new bonds in lieu thereof: Be it therefore enacted that the said resolutions are hereby declared to be legal, valid, and binding, for the purposes therein set forth.

If bonds of first issue not cancelled new issue to abate to the amount

4. If any of the bonds of the first issue in the said resolutions referred to, are not surrendered and cancelled as therein provided, the new issue thereby authorized shall abate to the amount not so surrendered and cancelled, so that the aggregate issue of bonds of both issues shall not exceed two million one hundred thousand dollars, or at the rate of twelve thousand dollars per mile of Railway.

SCHEDULE.

I. Whereas the Directors of the Credit Valley Railway Company were authorized by the shareholders of the said Company to make and issue bonds of the said Company to the amount of two millions one hundred thousand dollars, being at the rate of twelve thousand dollars per mile for one hundred and seventy-five miles of railway, said bonds being payable five years from the first day of January one thousand eight hundred and seventy-four, and bearing interest at the rate of eight per cent. per annum.

And whereas, said Directors have in pursuance of the said authority made and issued a portion of the issue so authorized, and they have for the purposes of the undertaking, hypothecated and otherwise disposed of certain of the bonds so made.

And whereas, it is desirable to call in, cancel and revoke all of the bonds so made, issued or delivered as aforesaid, and to make and issue other bonds in lieu thereof payable ten years from the first day of January, one thousand eight hundred and seventy-seven, and bearing interest at the rate of seven per cent. per annum.

And whereas, all of the parties holding the said bonds either by way of hypothecation or otherwise have, with certain few trifling exceptions, surrendered or agreed to surrender the same to the said Company for cancellation, and have agreed to accept in lieu thereof other bonds of the same face value, payable ten years from the first day of January, one thousand eight hundred and seventy-seven, and bearing interest at the rate of seven per cent. per annum.

Be it therefore resolved, that all the bonds of the said Company so made or issued as aforesaid or authorized to be made and issued, and which bonds are payable five years from the first day of January, one thousand eight hundred and seventy-four, and bear interest at the rate of eight per cent. per annum, be and the same are hereby revoked and cancelled, and
the

the President of the said Company is hereby authorized and required to write or cause to be written across the face of each of the said bonds the following words: "Cancelled by resolution of special general meeting, this sixth day of January, one thousand eight hundred and seventy-seven," and is also authorized and required to sign such cancellations, and to affix thereto the seal of the said Company.

And be it further resolved that nothing in this resolution shall be deemed to affect any bond not surrendered and endorsed as cancelled as aforesaid by the President of the said Company within six months from the date hereof.

II. Whereas this meeting of shareholders of the Credit Valley Railway Company is a special general meeting, called for the purpose of obtaining the sanction of the shareholders to the issue of bonds in pursuance of the provisions of the Act relating to the said Company, therefore the sanction of the shareholders of the said Company be and the same is hereby given to the issue by the Directors of the said Company of the bonds of the said Company made and signed by the President or Vice-President, and countersigned by the Secretary and Treasurer, and under the seal of the Company for the purpose of raising money to prosecute the undertaking; that such bonds be issued in such manner, at such times, for such amounts, at such rate of interest not exceeding seven per cent. per annum, and payable at such time or times, place or places, and in such manner as the Directors may deem fit, the total amount of such bonds, however, not to exceed the sum of twelve thousand dollars per mile for one hundred and seventy-five miles of Railway.

CHAP. 78.

An Act respecting the Toronto, Grey and Bruce Railway Company.

[Assented to 2nd March, 1877.]

WHEREAS by the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered fifty-six intituled "An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company," the said Company were empowered to create a total loan capital of two millions two hundred and fifty thousand dollars including the bonds issued under the former Acts relating to the said Company as existing on the first day of March, 1875, such loan capital to consist of debenture stock and terminable bonds or either: And whereas the said Company procured the passing of the said Act for the purpose of enabling them to consolidate their bond and other debts, and to make a settlement thereof with

Preamble
38 V. c. 56.

with the various classes of their creditors: And whereas a very large majority to wit a majority exceeding nine-tenths in value of the holders of the bonds issued prior to the said first day of March, one thousand eight hundred and seventy-five, which said bonds amounted in the whole to one million six hundred thousand dollars agreed with the said Company to the effect following:—namely, that the said power to create loan capital conferred upon the said Company by the said Act, thirty-eighth Victoria, chapter fifty-six should be exercised only so far as to create a loan capital of two million dollars, and no more, and that such capital should bear interest at the rate of six per centum per annum, and that the said bondholders should surrender and exchange the bonds they then held for an equal nominal value of bonds of such new issue, but inasmuch as the total amount of such new bonds is greater in respect of the same mileage, and such new bonds bear a less rate of interest than the said pre-existing bonds, such surrender and exchange should be made at the rate of eighty per cent. of the par value or nominal amount of such new bonds, leaving twenty per cent. of the amount of such old bonds to be paid by the allotment and issue to such bondholders of fully paid up shares of the capital stock of the said Company to the extent or in the proportion of one share of one hundred dollars to each bond of five hundred dollars, (\$500), and the same also to each bond of one hundred pounds (£100) sterling, (which it was agreed should be equivalent to five hundred dollars), so surrendered and exchanged: And that the said bonds remaining after providing for such surrender and exchange of all the said pre-existing bonds should be applied firstly in payment of debts of the Company, secured by liens upon rolling stock, and then in or towards payment of the unsecured liabilities of the Company in the manner, and to the extent hereinafter mentioned, and also that the ordinary capital stock of the said Company should be limited to one million dollars: And whereas the said bondholders to the extent aforesaid, have surrendered and exchanged their bonds in accordance with the said agreement: And whereas the said Company thereupon agreed with a large majority of their creditors to settle the claims of such creditors according to their several classes in the following manner, viz:—

1. Debts secured by liens upon rolling stock—by the issue to such creditors respectively of bonds of the new issue, equal in par value or nominal amount to the amount of the debt in each case, but issued to such creditors at a discount of twenty per cent. of their par value or nominal amount.

The said twenty per cent. of such debts still remaining unpaid to be paid in each case by the allotment and issue to the creditor of this class of fully paid up shares in the capital stock of the Company to the extent of such twenty per cent.

2. The unsecured liabilities of the Company—by the issue to such unsecured creditors respectively of bonds of the new issue equal in par value or nominal amount to one third of the amount

amount of their respective debts, but issued to such creditors at a discount of twenty per cent on such par value or nominal amount.

The remaining two-thirds of such claims respectively together with the twenty per cent. of the other third still remaining unpaid, to be paid by the allotment and issue to such creditors respectively of fully paid up shares in the capital stock of the Company equal in par value or nominal amount to such remaining amount: And whereas the said proposed arrangements have been agreed to and accepted by a large majority of each of the said several classes of creditors, and bonds and stock have been issued to them accordingly: And whereas the said several arrangements and settlements have been consented to and approved of by the shareholders of the said Company: And whereas the said Company are desirous of having the same confirmed by Act of the Legislature of this Province, and have petitioned for such Act, and it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said settlement made by the said Company, with the holders of the bonds of the said Company issued prior to the said first day of March, 1875, and the said settlement made with the said several classes of the creditors of the said Company, and the disposal of bonds issued under the authority of the said Act, thirty-eighth Victoria, chapter fifty-six as hereinbefore mentioned, and the allotment and issue of fully paid up shares of the capital stock of the Company, and disposal thereof in the manner, and for the purposes above mentioned, are hereby confirmed and declared to be and to have been within the powers of the said Company and of the Directors of the said Company respectively, and valid and binding upon the said Company and upon all persons whomsoever: Provided that this clause shall not apply to any creditors who were not parties to the said agreement, and did not consent thereto.

Settlement between the company and bondholders confirmed.

2. Any share or shares allotted to any bondholder or creditor of the Company as of the paid up capital of the Company, shall be deemed and taken to be paid up in full to all intents and purposes whatever, as fully and effectually as if such bondholder or creditor had paid for such share or shares in full in money.

Shares to be deemed as paid in full.

3. The loan capital which the said Company shall have power to create and issue, is hereby fixed at two millions of dollars instead of the amount fixed by the first section of the said Act, thirty-eighth Victoria, chapter fifty-six, and the said Act is hereby amended accordingly.

Loan capital fixed at \$2,000,000.

Consent of two-thirds of the shareholders required prior to issue of stock above \$1,000,000.

4. The said Company shall not have power to allot or issue more than one million dollars or ten thousand shares in all of their capital stock including the amount thereof heretofore allotted and issued, except by and with the consent of two-thirds of the shareholders present in person or by proxy, at any special general meeting called for such purpose.

CHAP. 79.

An Act respecting the Stratford and Huron Railway.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS the Stratford and Huron Railway Company have, by their petition, prayed for certain amendments to the Act consolidating and amending the Act incorporating the Stratford and Huron Railway Company and the Acts reviving and amending the same, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-seven, and the Act amending the same, passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and entitled an "Act to amend the Act amending and consolidating the Act incorporating the Stratford and Huron Railway Company and the Acts reviving and amending the same," and chaptered fifty-five, and for certain further privileges and powers as hereinafter provided: And whereas it is expedient to grant the prayer of the said petitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

36 V. c. 87
ss. 11 & 14,
amended.

1. The provisions of the eleventh and fourteenth sections of the said Act consolidating and amending the Act incorporating the Stratford and Huron Railway Company and the Acts reviving and amending the same as to the notice requisite for the general annual and other general meetings of the shareholders of the Company, are hereby repealed, and such notice shall be sufficient if the same be published once in the *Ontario Gazette*, at least two weeks previous to the day of such meeting, and once a week in one newspaper published in each County through which the said Railway runs, during the two weeks preceding the week in which such meeting is to be held.

36 V. c. 87, s.
31, and 38 V.
c. 55, s. 4,
amended.

2. The thirty-first section of the said Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and the fourth section of the said Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, are hereby

hereby repealed, and the following section substituted therefor: "The said trustees shall receive the said debentures or bonds in trust; firstly, under the direction of the Company, to convert the same into money; secondly, to deposit the amount realized from the sale in such one or more of the chartered banks having an office in the Province of Ontario, as the said Company shall direct, in the name of the Stratford and Huron Railway and Municipal Trust account, and to pay the same out to the Company from time to time, on the certificate of the Chief Engineer of the said Railway in the form set out in Schedule 'A' hereto; or to the like effect, setting out the portion of the Railway to which the money to be paid out is to be applied, and that the sum so certified for is in pursuance of the terms and conditions of the by-law; and such certificate shall be attached to the cheques to be drawn by the said trustees; and such Engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any County Court by any person who may sue therefor." The above section shall be construed and considered as if originally inserted in the said Acts in the place and stead of the section so repealed.

3. Section thirty-three of the said Act consolidating and amending the Act incorporating the Stratford and Huron Railway Company, and the Acts reviving and amending the same is hereby repealed, and the following sections, three, four, five and six substituted therefor:

36 V. c.
87, s. 33.
amended.
Issue of Bonds.

"The Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company real and personal, and then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the Company as aforesaid: Provided however, such issue of bonds shall not exceed twelve thousand dollars per mile for each mile in length of the said proposed Railway: and Provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for Directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in

in the same manner as is provided for the registration of shares ; all such bonds and coupons, and interest warrants thereon may be made payable to bearer, and so made, shall be transferable by delivery, and the holder may sue thereon at law in his own name."

Power to divide bond issue into first and second preference bonds.

4. Provided always, that with the sanction of the shareholders at any such special general meeting, or any other special general meeting duly called for that purpose, before such bonds shall have been signed, sealed and issued, the Directors may by resolution divide the said bond issue into two classes, the one to be called first preference bonds, and the other second preference bonds, and may limit the issue of first preference bonds to any sum less than twelve thousand dollars per mile, for each mile in length of the said Railway, and in such case shall have power to issue second preference bonds for the residue of the sum of twelve thousand dollars per mile ; and both classes of bonds shall have the effect and create the lien, charge and encumbrance upon the undertaking, and the property real and personal of the Company, and the holder thereof shall be in the position and hold and enjoy the powers, privileges and rights mentioned and described in the next preceding section, in all respects save and except that, as between the two classes of bonds and the holders thereof, second preference bonds shall have and take rank and priority, and form an incumbrance, charge and lien upon the undertaking, and the property real and personal of the said Company, immediately after the said first preference bonds, and not equally or simultaneously with them.

Bonds a charge on rents, if the road leased.

5. In case the said Company shall enter into any arrangement or lease with any other Railway Company or Companies, which is or are lawfully empowered to enter into such agreement, and is or are subject to the authority of the Legislature of this Province, for the leasing or working of the said Railway, the said bonds shall, without registration or formal conveyance, be and be taken and considered to be a first and preferential claim and charge upon the rent or money in the nature of rent, or any other moneys which may be payable to the said Company under any such lease or arrangement for securing the payment of the interest on such bonds and of such portion of the purchase thereof as may become due and payable during the term of such lease or arrangement : Provided always, that the rank, preference and priority of the first and second preference bonds and of the holders thereof, as between themselves, and the said two classes of bonds established by the next preceding section, shall extend to this section and every matter and thing therein contained.

Power to renew, re issue, call in and exchange bonds.

6. The Directors of the said Company are hereby authorized and empowered, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called

called from time to time for such purpose, from time to time, and as often as they may deem advisable, to re-issue and renew the whole or any part of the said first and second preference bonds, and at any time and from time to time, with the assent of the holders thereof or of any part thereof, to call in and cancel any of the said bonds, and issue new and other ones in place thereof; and with the assent of the holders thereof, at any time and from time to time, to exchange one for another, or one kind for another, upon such terms as the said Directors may see fit, being first authorized by the shareholders at such a meeting as aforesaid; but always provided that at no time shall there be issued and outstanding against the Company any more bonds of any of the said classes than are hereby and by the Acts heretofore passed, authorized.

7. It shall be lawful for the Directors to accept payment in full for stock from any of the subscribers thereof at the time of subscription, or at any time before the making of a final call thereon; and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each of such subscribers scrip to the full amount of such stock subscribed.

Power to accept payment in full of stock at any time.

8. It shall be lawful for the said the Stratford and Huron Railway Company and the Port Dover and Lake Huron Railway Company to unite together as one Company, or for one of such Companies to purchase and acquire the property and rights of the other.

Power to amalgamate Port Dover and Lake Huron Railway Company.

9. It shall be lawful for the Directors of one Company to agree with the Directors of the other Company, that the Companies they respectively represent shall be united as one Company, or that one of such Companies shall purchase and acquire the property and rights, and take unto itself all the liabilities of the other; and, by such agreement, to fix the terms upon which such union or such purchase shall take place; the rights which the shareholders of each Company shall possess after such union or purchase; the number qualification and mode of election, or appointment of all Directors of the Company, after any such union or purchase, howsoever elected or appointed under the Acts incorporating the respective Companies and the Acts amending the same, and who shall be such Directors until the then next election; the period at which such next election shall be held; the number of votes which the shareholders of either Company shall respectively have thereat and thereafter; the corporate name of the Company after any such union; the time when the agreement shall take effect; the by-laws which shall apply to the united Companies, and generally to make all such conditions and stipulations touching the terms upon which such union or purchase shall take place as may be found necessary for determining the rights of the said Companies, respectively, and of the shareholders thereof, after any

Directors may arrange terms of union.

any such union or purchase, and the mode in which the business of the Company shall be managed and conducted after any such union.

If agreement for union made, special general meeting to be called.

10. Whenever any such agreement shall have been made as aforesaid, the Directors of each of the said Companies shall call a special general meeting of the shareholders of the Company they represent, in the manner provided by law for calling such general meetings, stating particularly that such meeting is called for the purpose of considering the said agreement and of ratifying or disallowing the same; and, if at such meeting of the shareholders of each of the Companies concerned, a majority of the votes of the shareholders attending the same, either in person or by proxy, be given for ratifying the said agreement, then the same shall have full effect accordingly: Provided always, that if less than a majority of the votes of the shareholders present at such meeting in person or by proxy be given in favour of ratifying such agreement, the same shall not take effect, but a further meeting of such shareholders may be called to consider such agreement; but no meeting shall be called for that purpose within one month after the meeting at which the same was so considered: Provided always, that the first meeting of the shareholders of either Company, for considering any such agreement, shall be held within three months of the time when the same shall be made by the Directors thereof and not afterwards.

After ratification of union, companies to become one.

11. From and after the time when any such ratified agreement for the union of the said Companies shall take effect, the said Companies shall become one Company and one corporation, by the corporate name assigned to it in such agreement, and shall be invested with and have all the rights and property, and be responsible for all the liabilities of the said respective Companies, and shall be held to be the same corporation with each of them, so that any right or claim which could be enforced by or against either of them may, after such union, be enforced by or against the Company formed by their union; and any suit, action or proceeding pending at the time of such election, by or against either of such Companies, may be continued and completed by or against the Company formed by their union, by the corporate name assigned to it by the agreement: Provided always, that the rights of any person or party having any special lien, charge or privileged claim upon the lands and buildings, tolls, revenues, or other property, real or personal, of either of such Companies, or upon any part thereof, shall not be impaired by such union.

Rights, liabilities, &c.

Properties, rights and liabilities after purchase.

12. From and after the time when any such ratified agreement for the purchase by the one Company, as aforesaid, of the railway property and rights of the other Company shall take effect, such railway property and rights shall be exercised by the Company purchasing the same, by the corporate name assigned

assigned to it in such agreement; and such last mentioned Company shall be responsible for all the liabilities of the Company whose Railway property and rights shall have been transferred to them, and shall be held to be the same corporation with it, so that any right or claim which could be enforced by or against either Company, may, after such purchase, be enforced by or against the purchasing Company; and any suit, action or proceeding pending at the time such agreement shall take effect, by or against either Company, may be continued or completed by or against the purchasing Company, by the name assigned to it in such agreement: *Provided always, that the rights of any person or party having any special lien, charge or privileged claim upon the lands, buildings, tolls or other property of either of such Companies, or upon any part thereof, shall not be impaired by such purchase: Provided always, that the Company whose property and rights shall have been so purchased, shall continue to have a corporate existence for the sole purpose of doing such things and such things only as shall be necessary for the purpose of giving full effect to the ratified agreement, and to the rights of the shareholders or others under the same; and so long as there shall remain anything to be done for that purpose, Directors may be elected for the said Company and may exercise their powers for such purposes as aforesaid, and for those purposes only.*

Provido.

Provido.

Directors and their powers.

13. In the case of any such union as aforesaid, the capital of the Company formed thereby shall be equal to the combined capitals of the Companies united; and in the case of the purchase by one Company of the property and rights of the other Company, the purchasing Company shall have full power to increase the capital by the amount of the capital of the purchased Company, and may raise the sum required to pay the purchase money agreed upon from such capital stock, either among themselves or by the admission of new subscribers, in such manner as shall be provided by by-laws to be passed for the purpose, or under their borrowing powers or otherwise as may be agreed upon.

Capital of new company.

14. That all the privileges, powers, rights, and franchises possessed or enjoyed by either of the said Companies under their respective Acts of Incorporation and amendments, in force at the time of any such agreement, shall be continued to and possessed by the Company formed by such union or purchase, which may use or exercise the same as fully as the Company which, immediately before such union or purchase, possessed or enjoyed the same: *Provided, that in case of inconsistent provisions in the charters of the two Companies, the agreement between the two Companies shall define which shall continue to and be possessed by the united or purchasing Company.*

All rights of both companies to belong to one company.

15. In the case of the amalgamation of the said two Companies, or of the purchase by one of the property and rights of the

Issue of bonds.

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the other, as hereby authorized, then the several powers and provisions hereinbefore contained, as to the issue of bonds by the Stratford and Huron Railway Company and the amount thereof, shall apply to the Railway of the Port Dover and Lake Huron Railway Company: Provided, that no bonds of the amalgamated or purchasing Company shall be issued upon or in respect of the property or line of Railway of the Port Dover and Lake Huron Railway Company, until the bonds heretofore issued by that Company shall have been redeemed, except an issue of bonds for the purpose of such redemption.

Ratification of union to be filed in Provincial Secretary's office.

Approval of Lt.-Governor in Council.

16. Upon ratification by the shareholders of the two Companies of any such agreement for their amalgamation, or for the purchase by the one Company of the property and rights of the other, a duplicate of such agreement shall be filed in the office of the Provincial Secretary, and shall be submitted to the Lieutenant-Governor in Council for his approval; and upon the same being so approved, and a notice intimating such approval being published in the *Ontario Gazette*, such amalgamation or purchase shall be taken to be fully completed, and the said two Companies shall thereafter be deemed to be one corporation, under the name in such agreement mentioned; and such filing and the publication of such notice shall have the same force and effect as an Act of the Legislature confirming such agreement would have.

Power to construct or equip line by contract.

17. It shall be lawful for the Directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor either in cash or bonds or in paid up stock, notwithstanding that one or more of such contractors may be shareholders or Directors in the Company: Provided, that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same: Provided always, that this section shall not extend to contracts with Railway Companies for which provision is made in the thirty-sixth section of the said Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria.

Councils of aiding Municipalities may consent to vary agreements as to route, &c.

18. The Council of any Municipality or of any minor Municipality comprised in a County or section of a County Municipality, which has aided or may aid the said Railway, by granting a bonus thereto, may on the application of the Company from time to time, consent to the conditions of the agreements made with such Municipality, as to the route of the Railway mentioned therein being varied to such extent and in such manner as an actual survey of the line may render necessary or expedient; and, to the extent of such alterations, the original agreement may be varied accordingly: Provided always, that nothing herein

herein contained shall be construed as authorizing the Council to sanction any deviation from the line originally agreed on, beyond what may be found necessary or expedient from natural or engineering difficulties; and provided also, that it shall be lawful for the Company, in any such case, to enter into an agreement with such Municipality for the gravelling or macadamizing any road leading to the said Railway: In case the Council of a Municipality or minor Municipality cannot agree with the said Railway Company as to what deviation should be made, owing to such natural or engineering difficulties, the said Council and said Railway Company respectively shall each appoint an arbitrator, and such two arbitrators and the County Judge, or some person appointed by him to act as arbitrator in his stead, shall finally determine the matter; and the direction given by any Municipality granting aid to the said Railway Company, under section twenty-nine of the said Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, shall apply, as far as practicable, to the route when varied under this section; and in case of dispute between the said Railway Company and such Municipality, in reference to the application of such direction to the route when varied as aforesaid, the same shall be determined by arbitration, in like manner as above provided in regard to the variation of the route of the said Railway.

19. A certain by-law of the Town of Listowel, in the County of Perth, passed by the Municipal Council thereof on the twentieth day of May, in the year of our Lord one thousand eight hundred and seventy-six, numbered seven, and entitled, "A By-law to aid and assist the Stratford and Huron Railway Company by giving fifteen thousand dollars by way of bonus to the said Company, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon," a certain by-law passed by the Township of Mornington in the County of Perth, numbered one hundred and ten, and entitled "A By-law to aid and assist the Stratford and Huron Railway Company by granting thereto the sum of forty thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon" a certain by-law passed by the Township of Elma in the County of Perth, numbered one hundred and fifty-two, and entitled "A By-law to aid and assist the Stratford and Huron Railway Company by granting thereto the sum of ten thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon" and all debentures issued or to be issued under each and every of such by-laws shall be and are hereby declared to be good, valid, legal, binding and effectual, and each of the said by-laws shall be held to have been good, valid, legal, binding and effectual, from the time of the passing thereof, any law, usage or custom to the contrary notwithstanding. **20.**

Certain by-laws of the town of Listowel and the townships of Mornington and Elma confirmed.

Work done on line confirmed as commencement of construction.

20. The grading, ditching and clearing done by the said Railway Company on lots numbers six in the second concession, six in the third concession, six in the fourth concession, and seven in the first concession, of the Township of Mornington in the County of Perth, was a *bona fide* and sufficient commencement, and is hereby declared to be a *bona fide* and sufficient commencement of the construction of the said Railway, within the meaning of the said Acts and all by-laws of Municipalities granting aid to the said road.

Extension of time to complete fixed by By-law 191 of the County of Perth.

21. The time fixed by a by-law of the Municipal Council of the County of Perth, passed on the twelfth day of December, in the year of our Lord one thousand eight hundred and seventy-three, and numbered one hundred and ninety-one, for the completion of the said railway, is hereby extended to a period of three years from the passing of this Act.

Power to change route.

22. The said Railway Company is hereby authorized to make any alteration in the route of the line of the said Railway, as now located between the termini thereof: Provided always, that no such change shall be made which will prejudice the rights of any Municipality which has granted a bonus to said Railway without the consent of the Council of the Municipality so granting such bonus.

Bonds may be in Sterling money of Britain or Currency.

23. The bonds hereinbefore authorized to be issued, and any re-issue or renewal thereof, may be expressed to be payable in sterling money of Great Britain, or in current money of Canada, or one issue in one, and the other issue or issues in the other, and the place or places of payment may be in Great Britain or in Canada, and the same and all coupons and interest warrants thereon, respectively, may be made payable to the bearer or order, and shall be transferable by endorsement or delivery, and any holder of such securities may sue thereon in his or her own name; and the Directors may by resolution, fix and define the amount or denomination of such bonds, the time or times, and the place or places for payment of the principal moneys thereof and the interest thereon, and other particulars in reference thereto.

Bonds to be a charge on Railway.

24. All bonds which shall be issued by the Directors of the said Company of either of the classes by this Act authorized, shall be valid and binding upon the undertaking and all the real and personal property of the Company then existing and at any time thereafter acquired, notwithstanding that the same shall be issued before any part of the said Railway shall be completed, or that only a part of the said Railway shall ever be completed, provided such bonds shall be otherwise issued in accordance with the provisions of this Act.

The first issue of bonds to be the first charge on the property

25. The Directors are hereby authorized and empowered, with the sanction of the shareholders first obtained at any special general meeting of the shareholders duly called for the purpose,

purpose, by resolution to declare that the first bonds issued or to be issued by the said Company, for an amount or sum stated in such resolution, not exceeding in the whole twelve thousand dollars per mile for each mile in length of the said Railway in the Town of Stratford, and between there and the Town of Listowel in the County of Perth, and in the said Town of Listowel shall form and be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, and then existing, and at any time thereafter acquired in the said Town of Stratford, and between there and the said Town of Listowel, and in the said Town of Listowel, prior to and in preference of all other bonds thereafter issued or to be issued by the said Company; and upon such resolution being passed by the said Directors after such sanction as aforesaid, the first bonds issued, or to be issued by the said Company, to the extent and amount mentioned in the said resolution, shall, in addition to the lien, claims, charges and incumbrances created and granted by the third, fourth and fifth, sections of this Act, form and be taken and considered to be the first and preferential lien, claims and charges upon the undertaking and property of the said Company, real and personal, and then existing, and at any time thereafter acquired, in the said Town of Stratford, and between there and the said Town of Listowel, and in the said Town of Listowel, and each holder of said last mentioned bonds shall, in addition to all other powers, privileges and rights, be deemed to be a mortgagee and an incumbrancer, *pro rata*, with all the other holders of such last mentioned bonds, upon the undertaking and property of the Company, real and personal, and then existing and at any time thereafter acquired in the said Town of Stratford, and between there and the said Town of Listowel, and in the said Town of Listowel; and as between the said last mentioned bonds and the holders thereof, and all other bonds which shall be issued by the Company, and the holders thereof, the former (the bonds first issued by the Company and mentioned in said resolution), shall take rank and priority, and form an incumbrance, charge, and lien upon the undertaking and property of the Company, real and personal, and then existing, and at any time thereafter acquired in the said Town of Stratford, and between there and the said Town of Listowel, and in the said Town of Listowel, immediately before and prior to all other bonds which shall be issued by the Company and not equally or simultaneously with them or any of them.

26. The Municipal Council of any and every County through or near any part of which the line of the said Railway shall run, are hereby authorized and empowered, by by-law, to guarantee the payment of the principal and interest, as they respectively become due, of any debentures issued, or which may hereafter be issued by any Township, Town, or incorporated Village in such County, to aid the construction of the said

County councils may guarantee the debentures of the townships, &c.

said Railway, and it shall not be necessary to submit any such by-law to the vote or approval of the ratepayers.

Five mile
sections.

27. The said Company are hereby authorized and empowered to take and make the surveys and levels of the land through which the said Railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the Book of Reference for the Railway, and to deposit the same, as required by the clause of the Railway Act of the Consolidated Statutes of Canada and the amendments thereof, with respect to 'plans and surveys,' by sections or portions less than the whole length of the said Railway authorized, of such length as the said Company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and Book of Reference of any and each of such sections or portions of the said Railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in, or incorporated with the Act incorporating the said Railway Company and the amendments thereto or otherwise applicable to the said Railway Company, shall apply and extend to any and each of such sections or portions of the said Railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said Railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction, and of the lands intended to be passed over and taken, and the Book of Reference for the whole of the said Railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof, with respect to 'plans and surveys.'

Branch lines
and sidings.

28. For the purpose of connecting any City, Town, Village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring, with the main line of the Railway of the Company, or with any branch thereof, or with any Railway worked or leased by the Company, and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the Company to build, make, and construct and to work and use, sidings, switches, or branch lines of Railway, not to exceed in any one case six miles in length: Provided always, that the Company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section of this Act, until public notice shall have been given for six weeks, in some newspaper published in the County or Counties through or in which such branch line is to be made, that it is the intention of the Company to apply to the Lieutenant-Governor in Council to sanction the building of such branch line, and to appropriate

Notice to be
given when
branch ex-
ceeds a quarter
of a mile.

appropriate the necessary lands for that purpose, under the compulsory powers vested in them by this Act, or by any other Act in their behalf; nor unless the Company shall, prior to the first publication of such notice, have deposited in the Registry Office of any City, County, or part of a County, in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line; nor until the Company shall have submitted the same to, and such maps and plans shall have been approved by, the Lieutenant-Governor in Council after the expiration of the notice; and provided, further, that the Order of the Lieutenant-Governor in Council, approving the said maps and plans, shall limit the time, not exceeding two years from the date of such Order, within which the Company may construct such branch line: For any and every such purpose the said Company shall have and may exercise all the powers given it with respect to their main line by the Act incorporating the Company and the Acts amending the same, or relating to the Company, or the Act authorizing the construction of the main line, and 'The Railway Act' of the Consolidated Statutes of Canada, and any Acts amending the same; and each and all provisions of the said Acts which are applicable to such main line shall extend and apply to every such siding, switch or branch line of Railway.

And approved
of by Lieut.-
Governor in
Council.

29. And whereas by 'The Railway Act' of the Consolidated Statutes of Canada, and the Acts amending the same, every Railway Company to which the said Act and amendments apply is empowered to make by-laws, rules and regulations for the purposes therein mentioned, but no sufficient power is given to enforce the same. Therefore be it enacted:—

Enforcement
of Company's
by-laws.

(1.) The Company in this Act mentioned may, from time to time, repeal or alter such by-laws and make others, provided that such by-laws be not repugnant to the provisions of this Act, or the Act incorporating the Company, or any Act or Acts amending any of them.

Power to alter
or repeal by-
laws.

(2.) And such by-laws shall be reduced into writing and shall have affixed thereto the common seal of the Company.

By-laws to be
in writing and
under seal.

(3.) Any of the Conductors, Engine-drivers, and other officers and servants of the Company or other Railway Companies using the Railway, offending against any such by-law, shall forfeit for every such offence a sum not exceeding forty dollars, to be imposed by the Company in such by-law as a penalty for every such offence.

Penalty for
offences
against by-
laws by con-
ductors, &c.

(4.) If the infraction or non-observance of any such by-law, by any of the classes in the preceding sub-section mentioned, as aforesaid, be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the Railway, it shall be lawful for the Company summarily to interfere, using no violence or unnecessary force, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law.

Company may
interfere in
certain cases
of infraction
of by-laws.

By-laws to be approved by Lieut.-Gov.-ernor in Council.

Notice of by-law affecting officers or servants of the Company.

Proof of publication of by-laws.

This Act not to affect certain agreements with municipalities granting bonuses.

Proviso

(5.) No such by-law shall have force or effect until the same has been approved by the Lieutenant-Governor in Council.

(6.) The substance of any such by-law when approved as aforesaid, if it affects any officer or servant of the Company, may be proved by proving the delivery of a copy to, or its receipt by, such officer or servant; and if it affects any other Railway Company using the Railway, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed and continued on the front or other conspicuous part of every wharf or station belonging to the Company, according to the nature or subject matter of such by-laws respectively, and so as to give public notice thereof to the parties interested therein or affected thereby; and such boards shall from time to time be renewed as often as the by-laws thereon, or any part thereof, shall be obliterated or destroyed, and no penalty imposed by any such by-law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

(7.) Such by-laws, when so confirmed, shall be binding upon and observed by all parties in the third sub-section mentioned, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such by-laws affecting only any other Railway Company using the Railway, it shall be sufficient to prove that a printed paper or painted board containing a copy of such by-laws was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be.

30. Nothing in this Act contained shall alter or contravene the force and effect of any agreement heretofore made or entered into and now existing between the said Stratford and Huron Railway Company or the said Port Dover and Lake Huron Railway Company, and any of the Municipalities which have contributed by way of bonus towards the construction of the said Railways or either of them, but said agreements shall continue in all respects to be and are hereby declared binding upon the said Railway Companies, respectively, and upon any new Company formed under this Act by union, purchase of property, and rights or otherwise: Provided always, that in case of any such agreements or parts thereof being inconsistent or conflicting with each other, and of differences arising in respect thereof between such united Company and any or either of such Municipalities, all such matters of difference shall from time to time be referred to the arbitrament of a majority of arbitrators, of whom one shall be named by the said united Company and two by the Municipalities interested, each party naming one, and two named by any Judge of either of the Superior Courts of Law or Equity, and that such award shall be enforceable in like manner as awards made under the Railway Act of the Consolidated Statutes of Canada and the amendments thereto, or as may be ordered by any decree or rule of Court.

31. All sections and parts of sections of the Acts of the Ontario Legislature heretofore passed in reference to the Stratford and Huron Railway Company, inconsistent with this Act, are hereby repealed. Repeal of inconsistent enactments.

SCHEDULE A.

Chief Engineer's Certificate.

The Stratford and Huron Railway Company's Office. Engineer's Department, A.D., 18 .

No. .

Certificate to be attached to cheques drawn on the Stratford and Huron Railway and Municipal Trust account.

I , Chief Engineer for the Stratford and Huron Railway Company, do hereby certify that the sum of \$ is required to be expended in the construction of the portion of the line extending from mile No. , to mile No. ; and that payment should be made to the Company of such amount from the Stratford and Huron Railway and Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the Municipality of the of

CHAP. 80.

An Act respecting the Huron and Quebec Railway Company.

[Assented to 2nd March, 1877.]

WHEREAS the Huron and Quebec Railway Company have Preamble.
by their petition prayed that the Corporation of the Town of Peterborough may be empowered to grant aid by bonus to the said Company, and that certain by-laws granting aid by way of bonus to the said Company, may be made valid and binding; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall and may be lawful for the Corporation of the Town of Peterborough, notwithstanding the provisions of the Act of the Parliament of the late Province of Canada, passed Town of Peterborough may grant aid to the Company.
in

in the twenty-fourth year of Her Majesty's reign, intituled "An Act to consolidate the debt of the Town of Peterborough, and to authorize the issue of debentures on the security of the town property, and for other purposes," to grant aid by way of bonus to the Huron and Quebec Railway Company, by way of substitution of the aid heretofore granted by such Corporation to the said Company, and in an amount not exceeding the amount heretofore granted by the said Corporation to the said Company, and upon such terms and conditions as to the said Corporation may seem expedient: Provided, that the by-law authorizing such aid shall be submitted to and approved by a majority of the qualified ratepayers voting thereon in the manner required by law.

Debentures.

2. The debentures of the said Corporation to be issued pursuant to the by-law granting aid by way of bonus to such Company shall be issued and redeemable in the manner and as provided by the said recited Act.

By-law of
Lanark¹ valid.

3. A certain by-law of the Corporation of the County of Lanark, passed on the eleventh day of October, one thousand eight hundred and seventy-six, granting aid by way of bonus to the said Company, and numbered twelve, and all other by-laws heretofore passed granting aid by way of bonus to the said Company, are hereby made valid, effectual, and binding.

Municipalities
may grant aid.

4. All Municipalities or portions thereof interested in the construction of the proposed road of the said Company may grant aid by way of bonus to the said Company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such Municipalities, or portions thereof, beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Extension of
time.

5. The Councils of all Corporations that, or any portion of which, have heretofore granted, or may hereafter grant, aid by way of bonus to the said Company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time, provided that no such extension shall be for a longer period than one year.

37 V. c. 47,
s. 41 amended.

6. Section forty-one of the said Act, passed in the thirty-seventh year of Her Majesty's reign, and chaptered forty-seven, is hereby amended so as to include Town as well as Township and County Municipalities.

37 V. c. 47, "
s. 43 amended.

7. The forty-third section of the said Act, passed in the thirty-seventh year of Her Majesty's reign, and chaptered forty-seven,

seven, is hereby amended, by striking out the word "twenty," in the fifth line of the said section, and inserting instead thereof the word "fifteen."

8. The name of the said Company shall be changed to the "Toronto and Ottawa Railway Company," and in all bonds, deeds, and other documents, and in all by-laws of Municipalities, wherever the words "The Huron and Quebec Railway Company," or "The Huron and Quebec Railway," occur, they shall be read and construed as "The Toronto and Ottawa Railway Company," and "The Toronto and Ottawa Railway," respectively.

Change of name to Toronto and Ottawa Railway Co.

9. The said "The Toronto and Ottawa Railway Company" shall have power and authority to construct their proposed Railway from the City of Toronto to the City of Ottawa by way of the Town of Peterborough.

Co. may construct Railway by way of Peterborough.

10. All the powers and privileges by the several Acts of incorporation of the said Company, and every clause, matter, and thing therein contained, shall apply to the line hereby authorized.

Powers under former Acts to apply to such line.

11. It shall be competent for the Board of Directors of the Company, with the sanction and authority of the shareholders to issue as paid-up stock in the said Company whether now subscribed for or not, and allot and pay such stock and mortgage bonds of the Company in payment of rights of way, plant, rolling-stock, or material of any kind, and also for the services of contractors, engineers, and other persons, whether Directors of the Company or otherwise, who may have been, are, or may be engaged in and about the prosecution of the proposed undertaking: Provided, that no such stock or bonds shall be allotted to any Director or Directors of the said Company until the resolution authorizing the same shall have been made or confirmed at a meeting of the shareholders of the Company.

Allotment of stock &c. in payment of rights of way &c.

CHAP. 81.

An Act respecting the Cobourg, Peterborough and Marmora Railway and Mining Company.

[Assented to 2nd March, 1877.]

WHEREAS under and by virtue of the Act passed in the thirty-eighth year of Her Majesty's reign, entitled, "An Act to authorize the Cobourg, Peterborough and Marmora Railway"

Preamble.

Railway and Mining Company to issue preferential debentures, and to amend the Acts relating to the said Company, and for other purposes," a foreclosure has been had in the Court of Chancery for Ontario, in favour of the holders of the debentures of the said Company, being a third charge upon the premises by the said Act declared to be thereby charged, and a new Company has thereby been formed; and whereas the said Company has petitioned that an Act may pass to confirm the said foreclosure, and to establish the new Company thereby formed, and to grant further powers to the said Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Foreclosure in favour of debenture holders valid.

1. The foreclosure obtained in the Court of Chancery for Ontario in favour of the holders of the debentures of the said Company, being a third charge upon the premises by the said recited Act declared to be thereby charged, is hereby confirmed, and the new Company thereby formed is hereby established.

Debentures may be issued to amount of \$500,000.

2. The Directors of the said Company are hereby authorized to increase the amount of the debentures by the first clause of the said recited Act authorized to be issued, to the amount of five hundred thousand dollars, upon obtaining the consent in writing of the holders of debentures already issued under the said first clause, and of two-thirds in number and value of the holders of the debentures mentioned in the third clause of the said recited Act; and one hundred thousand dollars of the said debentures so to be issued shall be applied to the completion of the said Railway from Harwood to Peterborough.

Debentures may be pledged to municipalities.

3. The Directors of the said Company may pledge any of the debentures authorized to be issued by them, to any Municipality granting a bonus to the said Company, to secure the performance by the Company of any of the conditions upon which such bonus may be granted.

Registry laws not to apply.

4. The registry laws shall not be held to apply to any of the debentures of the former, or of the new Company.

Time extended.

5. The time limited for the completion of the several extensions authorized to be made by the said Company is hereby extended till the first day of July, in the year of our Lord one thousand eight hundred and eighty-five.

Directors may sell lands.

6. The Directors of the said Company are hereby authorized to sell and convey such portions of the lands of the Company as they may deem expedient, and the purchaser thereof shall, upon payment of the purchase money, hold the land so by him purchased, free from any of the debentures of the former or new

new Company, but such purchase money shall be held by the said Directors, and applied by them solely in payment of such debentures, according to their priority, and for no other purpose whatsoever, and no such purchaser shall be bound to see to the application of the purchase money.

7. The said Company are hereby authorized to commence and carry on at the Town of Cobourg, the business of smelting iron and other ores, and of manufacturing and selling iron, steel, or other metals, and all such articles as are made therefrom or therewith. Powers to carry on smelting works.

8. The Company are hereby authorized to take, without the consent of the proprietors thereof, but subject to the provisions of the Railway Act, so much land in the Town of Cobourg, not exceeding five acres, as they may require, for the purpose of carrying on the said business thereon. To acquire land.

9. The number of Directors required to be elected at the next annual general meeting, and thereafter, shall be reduced to five, of whom three shall form a quorum, and no notice of any annual general meeting shall hereafter be required to be given, but the same shall be held at the office of the Company, in the Town of Cobourg, at noon, on the third Tuesday in June in each year. Quorum.

10. Nothing in this Act contained shall prejudice the rights, if any, of the trustees of the Northumberland and Durham Savings Bank and of the Corporation of the Town of Cobourg. Saving clause.

CHAP. 82.

An Act to amend the Acts relating to the Whitby and Port Perry Extension Railway Company.

[Assented to 2nd March, 1877.]

WHEREAS the Whitby and Port Perry Extension Railway Company have prayed for a change of name and for certain other amendments to their Act of Incorporation and the Acts amending the same, and whereas by the Act passed by the Legislature of Ontario in the thirty-seventh year of Her Majesty's reign, and chaptered fifty-nine, and entitled "An Act to amend the Act incorporating the Port Whitby and Port Perry Railway Company," the said Company was empowered to issue mortgage bonds to the extent of fifteen thousand dollars for each mile of said Company's Railway, then constructed between Port Whitby and Port Perry, which mortgage bonds by said partly recited Act were declared

Preamble

clared to be first and preferential charges on said railway and its property in and from Port Whitby to and in Port Perry, and was further empowered to issue other mortgage bonds, on their face to be declared "extension bonds," to the extent of twelve thousand dollars for each mile when constructed of the extension and branches in said partly recited Act mentioned, and which latter mentioned mortgage bonds when issued are by said partly recited Act declared to be first and preferential charges on said extension and branches; and whereas it is desirable that all mortgage bonds of the Company should be charged on the whole undertaking and property; but in the order and manner herein provided and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Directors may
issue preferen-
tial mortgage
bonds.

1. The Directors of the said Company after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, or at any general meeting, shall have power from time to time to issue mortgage bonds, on their face to be called preferential mortgage bonds, made and signed by the President or Vice-President, and countersigned by the Secretary, and under the seal of the said Company, for such sums, payable at such times and in such manner, such places, and with coupons thereto attached, bearing interest at such rate, payable in such places and manner as the Directors may deem advisable, to any amount not exceeding, together with such of the mortgage bonds already issued by the Company as may be from time to time outstanding, ten thousand dollars for each mile of the Company's Railway now, or hereafter from time to time constructed, which said mortgage bonds shall be known as first preferential mortgage bonds, and when issued together with such of said mortgage bonds already issued as aforesaid as may be from time to time outstanding shall without registration or formal conveyance be taken and considered to be the first and preferential claim and charge upon the franchises, undertaking and property of the Company, real and personal, existing at the time of such issue or issues, and at any time thereafter acquired, and each holder of said first preferential mortgage bonds and of said bonds already issued, shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the said franchises, undertaking and property; and the Directors may with the like sanction for the purposes of the Company from time to time issue other mortgage bonds which shall be called and on their face declared to be "second preferential mortgage bonds," which second preferential mortgage bonds shall be made and signed by the President or Vice-President and countersigned by the Secretary of the said Company, and under the seal of the Company, and for such sums payable at such times and places and in such manner, and with coupons attached, bearing interest at such rate and payable in such manner, and

and at such times and places as to the Directors may seem desirable, to any amount not exceeding five thousand dollars for each mile of the Company's Railway, now or hereafter from time to time constructed, and such second preferential mortgage bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges next after the said first preferential mortgage bonds, and the said now outstanding mortgage bonds on the franchises, undertaking and property, real and personal, existing at the time of such issue or issues, or at any time thereafter acquired, and each holder of said second preferential mortgage bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all other holders of such second preferential mortgage bonds upon the said franchises, undertaking and property, but subject always to the prior lien and charge of the first preferential mortgage bonds and outstanding mortgage bonds already issued as aforesaid; and the twenty-third and twenty-fourth sections of the Act incorporating said Company, passed in the Session of the Legislature of Ontario, held in the thirty-first year of Her Majesty's reign, and chaptered forty-two, and the first section of the Act passed in the thirty-second year of Her Majesty's reign, and chaptered sixty, amending said Act of incorporation, and the thirty-ninth section of the Act passed in the thirty-seventh year of Her Majesty's reign, and chaptered fifty-nine, are hereby amended by the foregoing provisions.

31 V. c. 42, ss.
23 and 24.

32 V. c. 60, s.
1.

37 V. c. 59, s.
39.

2. The Company may from time to time for advances to be made thereon, or for any present or future indebtedness or liability of the Company, mortgage or pledge on such terms as may be agreed on, any mortgage bonds which the Company has power to issue.

Company may
mortgage
bonds.

3. The Company, with the consent of the holders thereof, may call in and pay off or cancel all or any of the mortgage bonds of the Company now outstanding, or exchange the same for bonds hereafter issued on such terms as may be agreed on between the Company and the holders thereof.

Company may
pay off out-
standing
bonds.

4. The failure of the Company to commence or to finish and put in operation any of the extensions and branches which it has been empowered to construct within the respective times limited for such purposes, shall not operate as a forfeiture of its charter, and notwithstanding such failure, the corporate existence and power of the Company shall continue, except in so far as relates to so much of the authorized extension of the Railway as shall be unfinished within the time limited for that purpose.

Failure to
complete
works not
to forfeit
charter.

5. The Company shall have the right, on and after the first day of November in each year to enter into, and upon any lands of Her Majesty, and of any corporation or person whatsoever lying along the route or line of said Railway, and to erect and maintain such fences therein, subject to the payments of

Company may
erect snow
fences.

of such damages, if any, caused to such lands, as may be there-
after established, to have been actually occasioned by the
Company: Provided always, that such fences shall be removed
by the Company on or before the first day of April then next
following.

Certain by-
laws con-
firmed.

6. Whereas certain Municipalities by by-laws, duly approved
of by the rate-payers and duly passed by the several Muni-
cipalities following, for the several respective sums set opposite
the same, respectively, namely:

The Corporation of the County of Victoria.....	\$85,000
The Corporation of the Village of Port Perry....	20,000
The Corporation of the Town of Whitby.....	20,000

have granted respectively the several sums aforesaid in aid of the
construction of the extension of said Railway from the Village of
Port Perry to the Town of Lindsay, on the terms in the respective
by-laws set forth, and it would give greater credit to the deben-
tures issued under and in pursuance of said respective by-laws, to
have said by-laws and debentures confirmed by this Legislature:
now therefore it is enacted that the said several by-laws and each
of them shall be taken and held to be good and valid by-laws, and
the same are hereby confirmed, and the respective debentures
issued in pursuance of said respective by-laws, shall be taken and
held to be good and valid debentures; and it shall be competent
and lawful for the Company to vary the alignment of the said line
of Railway in order to avoid engineering difficulties, and such vari-
ations shall in no wise invalidate the said by-laws granting aid as
aforesaid, or any of them or the respective debentures issued under
the authority of said respective by-laws; and this right to the Com-
pany to vary said alignment shall be held as incorporated in, form-
ing part of, and modifying the terms of said respective by-laws;
Provided always, that notwithstanding such variations, the said
railway shall pass within two miles of the Villages of Oakwood
and Little Britain to the Town of Lindsay, and have its station in
said Town of Lindsay, within the limits for that purpose, pro-
vided in the said by-law of the County of Victoria.

Construction
of extension
declared to
have com-
menced on 1st
July, 1876.

7. And whereas each of said by-laws provides that the con-
struction of said extension should be commenced on or before the
first day of July now last past, and should be completed within
two years from said first of July, and whereas the construction of
said extension was commenced on or before the said first day of
July, and has been proceeded with rapidly and is now approach-
ing completion; now, therefore, it is declared, that the condition
in each of said by-laws contained, providing that the construction
of said extension should be commenced on or before the first of
July last past, has been fully observed and performed by the said
Company, in so far as is necessary, in order to entitle the Com-
pany to receive the moneys realized from said debentures, and in
order that the Company may be entitled to receive the moneys
in

in said by-laws mentioned or referred to, or realized from the debentures therein referred to or any parts thereof, it shall not be necessary to show when the construction of said extension was commenced, but it shall be held as final and conclusive, as against all persons and corporations, that the same was commenced before the first day of the month of July now last past.

8. The certificate, from time to time, of Frank Shanly, Esquire, Civil Engineer, or such other person as may, from time to time, be the Chief Engineer of the Company, that the Company is entitled to receive payment of the moneys in such certificates mentioned, being all or part, as the case may be, of the moneys realized from the sales of said respective debentures then in the hands or under the control of the respective trustees to whom such certificates shall be directed, shall be full authority for payment by such trustees to the Company of the moneys in such certificate or certificates mentioned, and the said trustees shall forthwith, to the extent of such trust moneys then in their hands or control, pay to the Company the moneys which, by such certificate or certificates, it is declared entitled to receive from them.

Certificates of
Engineer to be
authority for
payment by
trustees.

9. And whereas James Austin, James Michie, Alexander T. Fulton, and James Holden, four of the Directors of said Company, advanced large sums of money to said Company, and rented rolling stock, vessel and other property to the Company; and whereas the shareholders deemed it advisable to purchase said rolling stock, vessel and other property and to have an account taken of the amount owing by the Company to said four Directors; and whereas the shareholders, other than said four Directors, caused a valuation to be made of said property and said account to be taken, and whereas said valuation having been made and account taken, said four Directors agreed to sell to said Company said rolling stock, vessel and other property at the price so arrived at as aforesaid, and to accept the said Company's written bond or obligation binding the Company to pay to James Austin, James Michie, Alexander T. Fulton, and James Holden the amount found due to them as aforesaid, and the amount so fixed upon as the price of said property; and whereas at a special general meeting of the shareholders of the Company it was, by a unanimous resolution, decided to purchase said property on said terms, and to give the Company's written bond or obligation for securing payment of such purchase money and the amount found due as aforesaid; and whereas said property has been transferred to said Company, and the said Company has given its written bond or obligation binding itself, its successors and assigns to pay to said James Austin, James Michie, James Holden, and Alexander T. Fulton, their executors, administrators or assigns the amount, with interest, as therein set forth, being the amount of said purchase money and the amount otherwise found due to them as aforesaid, payable as therein set forth; and whereas by reason

Sale of rolling
stock, &c.,
legalized.

reason of the said James Austin, James Michie, James Holden, and Alexander T. Fulton being Directors of the Company, it has been deemed advisable that said purchase, adjustment of accounts, and giving of said bond should be ratified and confirmed: Now therefore it is enacted that the said sale and the taking of the said account shall be and the same are hereby ratified and confirmed, and declared valid and binding on the said James Austin, James Michie, James Holden, and Alexander T. Fulton, and on the said Company, and that the said written bond or obligation is hereby ratified and confirmed, and declared valid and binding on the Company, their successors and assigns, according to the terms therein set forth, and it shall be lawful for the Company, by and with the consent of the shareholders, obtained at any special general meeting or meetings called for that purpose, or at any adjourned meetings, from time to time to sell and transfer to said James Austin, James Michie, James Holden and Alexander T. Fulton, all or any of them, notwithstanding that they, some, or one of them may then be Directors or a Director of the Company, such mortgage bonds of the Company, with interest, bearing coupons attached, as the Company may from time to time be entitled to issue, at such prices and on such terms as may be decided upon at such meeting or meetings, and in lieu of requiring payment of the purchase money for such mortgage bonds to deduct the same from the amount then owing by the Company on said partly recited bond or obligation to said James Austin, James Michie, James Holden, and Alexander T. Fulton, or any of them, and it shall be lawful for said James Austin, James Michie, James Holden, and Alexander T. Fulton, or any of them, to become such purchasers on the terms aforesaid: And with the like consent, and on such terms as may be agreed on, it shall be lawful for the Company from time to time to hypothecate, mortgage, or pledge any mortgage bonds it may be entitled to issue as additional security for the amount it may from time to time owe to the said James Austin, James Michie, James Holden, and Alexander T. Fulton, all or any of them, and notwithstanding they or any of them may then be Directors of the Company, and they shall not, nor shall any of them be disqualified from being Directors or a Director of the Company by reason of the Company owing them or any of them any sums of money, or selling, transferring, hypothecating, mortgaging or pledging said mortgage bonds in manner herein provided.

Manager and
Solicitor to be
ex officio
directors.

10. The Manager and Solicitor of the Company shall be *ex officio* Directors of the Company, but their remuneration as such Manager and Solicitor shall be fixed by by-law of the shareholders, and not by the Board of Directors.

Time for com-
mencement of
certain
branches.

11. The time for the commencement of the construction of the branches to Uxbridge and Beaverton is hereby extended for the period of two years from the passing of this Act, and the time for the commencement of the construction of the branch to Oshawa is hereby declared to have expired. **12.**

12. It shall be lawful for the Company to rent or purchase the Whitby Harbour, with the piers, wharves, elevators, and all other appurtenances thereto belonging or therewith used and enjoyed on such terms and conditions as may be mutually agreed upon, and to carry on all manner of business usually carried on in connection therewith.

Purchase of
Whitby har-
bour author-
ized.

13. The name of the Company shall be "The Whitby, Port Perry and Lindsay Railway Company," and not "The Whitby and Port Perry Extension Railway Company:" Provided always that nothing herein contained shall be construed to make the said corporation a new corporation, or to make void or impair the effect of any proceeding, deed, instrument or writing in which the said Company shall be designated by its former name, but such proceeding, deed, instrument or writing, shall and may hereafter be continued, construed, and have effect as if the name hereby assigned to said corporation had been assigned to it by the Act incorporating the Company and was inserted in such proceeding, deed, instrument or writing, instead of the name therein used.

Name changed

14. All the real and personal property, shares or stock, obligations, debts, rights, claims and privileges of the said Company shall be and are hereby transferred to and vested in the said "The Whitby, Port Perry and Lindsay Railway Company;" and subject to all the rights or liabilities now affecting the same, and all the shareholders in said Company shall be shareholders for like amounts, and with like rights in "The Whitby, Port Perry and Lindsay Railway Company;" but all legal proceedings heretofore regularly begun by or against the Company may be continued under the name or style of cause in which they have been instituted for the benefit of or against "The Whitby, Port Perry and Lindsay Railway Company." and recoverable when proper from any property so vested in it.

Property
transferred to
new Company.

CHAP. 83.

An Act to Incorporate the Guelph Street Railway Company.

[Assented to 2nd March, 1877.]

WHEREAS certain persons have, by their petition, prayed that they may be incorporated under the title of "The Guelph Street Railway Company," for the purpose of constructing and operating Street Railways in the Town of Guelph, and the Municipalities adjoining; and whereas it is expedient to grant the prayer of the petitioners:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

Incorporation
and corporate
name.

1. James Massie, Augustus T. Kerr, Frederick Jasper Chadwick, George Sleeman, Walter Hoyt Cutten, and such other persons as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of "The Guelph Street Railway Company."

Capital.

2. The capital stock of the Company shall be fifty thousand dollars, in five hundred shares, of one hundred dollars each.

Commence-
ment of opera-
tions.

3. The Company may begin to exercise the powers hereby granted as soon as ten thousand dollars of the capital shall be subscribed, and ten per centum thereon paid up, but the Company shall commence the construction of the said Railway, within one year from the passing of this Act, and shall commence to run cars upon said Railway, and work and operate said Railway in good running order within three years from the passing of this Act, otherwise this Act to be void and of none effect.

Provisional
Directors.

4. James Massie, Augustus T. Kerr, Frederick Jasper Chadwick, George Sleeman, and Walter Hoyt Cutten, shall be provisional Directors of the said Company, to obtain subscriptions for stock, and organize said Company, and shall hold office until the election of Directors as hereafter provided for.

Board of
Directors.

5. So soon as ten thousand dollars of the capital stock has been subscribed, and ten per centum thereon paid up, the shareholders shall proceed to the election of a Board of Directors for the said Company, and the provisional Directors, or a majority of them shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof, by advertisement in some newspaper published in the Town of Guelph.

Constitution of
Board.

6. The Board of Directors shall consist of five Directors, to be determined at the meeting to be held as provided for in the preceding section, each of whom shall be a shareholder of not less than one thousand dollars; such election and every question voted on at such meeting, shall be decided by ballot by a majority of votes of the stockholders (who shall have paid all calls made upon the stock held by them), present in person, or represented by written proxy, each share to have one vote; the Directors so chosen shall immediately elect one of their own number to be President, which President and Directors shall continue in office for one year, and until others shall be chosen to fill their places as may be provided by the by-laws of the said Company, and if any vacancy shall at any time happen by death, resignation, or otherwise during said year, in the office of President or Directors, the remaining Directors shall supply such vacancy for the remainder of the year, and the election of Directors shall take place annually, either on the anniversary of the day of the first election of Directors, or such other day as may be fixed by by-laws as hereinafter mentioned.

7. The Company are hereby authorized and empowered to construct, complete, maintain, and operate a double or single iron track Railway, with the necessary side tracks and turnouts, for the passage of cars, carriages, and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the Corporation of the Town of Guelph and of any of the adjoining Municipalities, as the Company may be authorized to pass along, under and subject to any agreement hereafter to be made between the said Councils of the said town and of the said Municipalities respectively and the said Company, and under and subject to any by-laws of the said corporation of the said Town and Municipalities respectively, or any of them made in pursuance thereof, and to take, transfer, and carry passengers and freight upon the same, by the force or power of animals, or such other motive power as may be authorized by the Council of said Town and Municipalities respectively by by-law, to use and to construct and to maintain all necessary works, buildings, appliances, and conveniences connected therewith. Powers of company.

8. The Directors shall have full power to make all by-laws and regulations for the management of the Company, the acquirement, management, and disposition of its stock, property, and effects, and of its affairs and business; the management, collection of cash on its stock, and forfeiture thereof for non-payment, and entering into arrangements and contracts with said Town or Municipalities, the declaration and payment of dividends out of the profits of said Company, the form and issue of stock certificates and the transfer of shares, the calling of general and other meetings of the Company, the appointment, removal, and remuneration of all officials, agents, clerks, workmen and servants of the Company, the fares to be received from persons and freight transported over said Railway or any part thereof, and in general to do all things that may be necessary to carry out the objects and the exercise of such powers incident to the Company: provided that the fare shall not exceed for each passenger five cents for carriage, for any distance not more than three miles within the limits of the Town of Guelph, and one cent additional per mile over three miles, the return ride to be charged for separately, and children under ten years of age to be carried the said three miles for three cents, and children in arms free. Powers of directors.

9. The stock of said Company shall be deemed personal estate, and shall be transferable in such way as the Directors by by-law direct. Stock to be personalty.

10. The Company may purchase, lease, hold, or acquire and transfer any real or personal estate necessary for carrying on the operations of the said Company. Real estate.

11. The Company may substitute sleighs for railway carriages during the winter months upon the road of their Railway. Sleighs may be used.

Fares.

12. The above-mentioned rates of fare shall be due and payable by every passenger on entering the car or sleigh, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine of not less than one nor more than twenty dollars, recoverable upon conviction before any Justice of the Peace having jurisdiction, and upon default of payment of said fine and all costs forthwith, to imprisonment in the common gaol for a period of not more than thirty days.

Rails.

13. The rails of said Company shall be laid so as to cause the least inconvenience possible to general traffic consistent with the proper working of said Company and flush as near as practicable with the street, which shall be kept in proper repair between and for eighteen inches on each side of said rails, by and at the expense of said Company whose vehicles shall have the right of way on the track.

Capital may be increased.

14. The Directors may, from time to time, increase the capital stock of said Company for such amount or amounts as occasion may require, and also raise or borrow for the purpose of the Company any sum or sums not exceeding in the whole at any time the actual amount of the capital stock, *bona fide* subscribed and paid up, by the issue of bonds or debentures in such sums of not less than one hundred dollars on such terms and credit as they may think proper, and may thereby pledge or mortgage all the property, tolls and income of the Company, or any part thereof as may be expressed upon the face of any bond or debenture for the re-payment of the moneys so raised or borrowed, and the interest thereon: Provided always that the consent of two-thirds in value of the stock-holders of the Company present or represented by proxy at a special meeting to be called and held for either or both of the purposes aforesaid shall be first had and obtained: Provided always that the notice of the holding of such meeting shall be given in some newspaper published in the Town of Guelph at least two weeks previous to the holding of such meeting.

Liability of stockholders.

15. No stockholder shall be personally liable for the promises, contracts, debts, undertakings, costs, or liabilities of said Company beyond the amount remaining unpaid upon stock held by him and to that extent only after the other assets, if any, of the said Company shall be realized upon.

Town of Guelph and municipalities may agree as to construction, etc.

16. The Council of the said Town and of any of the said adjoining Municipalities or any of them and the said Company are hereby respectively authorized to make and to enter into any agreements or covenants relating to the construction of the said Railway for the paving, macadamizing, repairing, and grading of the streets and highways and the construction, opening of, and repairing of drains and sewers, and the laying of gas and waterpipes in said streets and highways, the location of the

Railway

Railway and the particular streets along which the same shall be laid, the patterns of rails, the number of tracks, the time and speed of running the cars, the time within which the road shall be commenced, and the time of completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic: Provided that the powers contained in this Act shall remain in abeyance until the agreements hereinbefore in this clause mentioned shall have been entered into and made by and between the several parties hereinbefore mentioned.

17. The said Town and the said Municipalities are hereby authorized to pass any by-law or by-laws and to amend, repeal, or enact the same for the purpose of carrying into effect any such agreement or covenants, and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for enjoining obedience thereto, and also for the facilitating the running of the Company's cars and sleighs, and for regulating the traffic and conduct of all parties travelling upon the streets and highways through which the said Railway may pass.

Town, etc.
may pass
by-laws.

18. The several clauses of the Act of the Legislature of the late Province of Canada known as "The Railway Act" with respect to the first and third clauses thereof, and also the several clauses of the said Act, with respect to "interpretation," "incorporation," "general meetings," "calls," "shares and their transfer," "shareholders," "actions for indemnity, and fines, and penalties, and their prosecution," except section eighty-four of the said Act (but no other clauses of the Railway Act), shall in so far only as the same are not inconsistent with or repugnant to any of the provisions of this Act, be incorporated with this Act; and the expression "this Act" when used herein shall be held and understood to include the clauses incorporated with this Act, save and except in so far as they are inconsistent with or varied by any of the provisions of this Act.

Certain clauses
of Railway
Act to apply.

CHAP. 84.

An Act to Incorporate the Metropolitan Street Railway Company of Toronto.

[Assented to 2nd March, 1877.]

WHEREAS certain persons have by their petition prayed that they may be incorporated under the title of "The Metropolitan Street Railway Company of Toronto," for the purpose

Preamble

w

purpose

purpose of constructing and operating Street Railways in the City of Toronto and adjoining municipalities; And whereas it is expedient to grant the prayer of the petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Incorporation
and corporate
name.**

1. Robert Jaffray, John Shields, Nathaniel Dickey, Edward Galley, and John Ginty, all of the City of Toronto, in the County of York, Esquires, and such other persons as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic, under the name of "The Metropolitan Street Railway Company of Toronto."

**C. S. C. c. 66,
applied.**

2. The several clauses of chapter sixty-six of the Consolidated Statutes of Canada and the amendments thereto, with respect to "Interpretation," "Incorporation," "powers," "plans and surveys," "lands and their valuation," "general meetings," "President and Directors, their election and duties," "calls," "shares and their transfer," shareholders, "municipalities," "actions for indemnity and fines, penalties, and their prosecution," (except sub-section eleven of section nine, and sections eighty-four, eighty-five, and ninety), shall, in so far only as they are not inconsistent with, or repugnant to, any of the provisions of this Act, be incorporated with, and be deemed to be a part of this Act, and shall apply to the said Company and to the Railway to be constructed by them, but the several clause of the said chapter sixty-six in respect to "powers," "plans, and surveys," and "lands and their valuation," shall apply to the said Company, only so far as regards the portions of the Railway outside the limits of the City of Toronto.

Capital stock.

3. The capital stock shall be one hundred thousand dollars in one thousand shares of one hundred dollars each.

**Commence-
ment of work.**

4. The Company may begin to exercise the powers hereby granted as soon as fifty thousand dollars of the capital stock shall be subscribed, and twenty per centum thereon paid into some chartered bank in the City of Toronto, to the credit of the said Company.

**Provisional
directors.**

5. The said Robert Jaffray, John Shields, Nathaniel Dickey, Edward Galley, and John Ginty, shall be provisional Directors of said Company, to obtain subscriptions for stock and organize said Company, and shall hold office until the election of directors, as hereinafter provided for.

**Election of
board of
directors.**

6. So soon as fifty thousand dollars of the capital stock has been subscribed, and ten per centum thereon paid up, the shareholders shall proceed to the election of a Board of Directors for the said Company, and the provisional Directors, or a majority
of

of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof by advertisement in some newspaper published in the City of Toronto.

7. The Board of Directors shall consist of five Directors, to be determined at the meeting to be held as provided for in the preceding section, each of whom shall be a shareholder of not less than one thousand dollars; such election and every question voted on at such meeting shall be decided by ballot, by a majority of votes of the shareholders (who shall have paid all calls made upon the stock held by them) present in person or represented by written proxy, each share to have one vote; the Directors so chosen shall immediately elect one of their own number to be President and another to be Vice-President, which President, Vice-President and Directors shall continue in office for one year and until others shall be chosen to fill their places, as may be provided by the by-laws of the said Company, and if any vacancy shall at any time happen by death, resignation or otherwise during said year, in the office of President, Vice-President, or Directors, the remaining Directors shall supply such vacancy for the remainder of the year, and the election of Directors shall take place annually, either on the anniversary of the day of the first election of Directors, or such other days as may be fixed by by-law as hereinafter mentioned.

Constitution
of board of
directors.

8. The Company are hereby authorized and empowered to construct, maintain, complete and operate on all days except Sundays, and from time to time remove and change a double or single track iron Railway, with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such streets and highways and Railway tracks or lines within the jurisdiction of the corporation of the City of Toronto, and of any of the adjoining Municipalities as the Company may be authorized to pass along, under and subject to any agreement hereafter to be made between the said Councils of the said City and of the said Municipalities or Railway Company respectively and the said Company, as to construction, maintenance and repairs of roadway and renewal thereof, and grade, style of rail, and all other matters and things relating to roadway and works, and under and subject to any by-laws of the said Corporation of the said City and Municipalities respectively, or any of them, made in pursuance thereof, and to take, transport and carry passengers by the force or power of animals or such other motive power as may be authorized by the Council of said City and Municipalities respectively by by-law, and outside the limits of the City of Toronto to carry freight, and to use and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

Powers of
Company.

9. The Directors shall have full power to make all by-laws and regulations for the management of the Company; the acquisition,

Powers of
directors.

quirement, management and disposition of its stock, property and effects, and of its affairs and business; the management and collection of calls on its stock and forfeiture thereof for non-payment; the entering into arrangements and contracts with said City or Municipalities; the declaration and payment of dividends out of the profits of the said Company; the form and issuing of stock certificates, and the transfer of shares; the calling of general and other meetings of the Company; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the Company; the fares to be received from persons and freight transported over said railway may be necessary to carry out the objects and the exercise of the powers incident to the Company: Provided, that the fare shall not exceed for each passenger five cents for carriage for any distance not more than three miles within the limits of the Corporation of the said City of Toronto, and one cent additional per mile over three miles; the return ride to be charged for separately, and children under ten years of age to be carried the said three miles for three cents, and children in arms free.

Stock to be personalty.

10. The stock of said Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by by-law direct.

Real estate.

11. The Company may purchase, lease, hold or acquire, mortgage, let or transfer any real or personal estate, necessary for carrying on the operations of the Company.

Sleighs may be used.

12. The Company may substitute sleighs for railway carriages during the winter months upon the route of their Railways.

Rate of fares.

13. The fares mentioned in section nine of this Act shall be due and payable by every passenger on entering the car or sleigh, and any person refusing to pay the fare when demanded by the conductor or driver and refusing to quit the car or sleigh shall be liable to a fine of not less than five dollars, recoverable upon conviction before the Police Magistrate of the said City, or any Justice of the Peace, and upon default of payment of said fine and all costs forthwith, to imprisonment in the common gaol for a period of not more than thirty days.

Rails.

14. The rails of said Company shall be laid so as to cause the least inconvenience possible to general traffic, consistent with the proper working of said Company; to be flush (as nearly as practicable) with the streets, which shall be kept cleaned and in proper repair between and for eighteen inches on each side of said rails and at the expense of said Company.

Stock may be increased.

15. The Directors may, from time to time, increase the capital stock of the said Company for such amount or amounts as occasion

occasion may require, and also raise or borrow for the purpose of the Company any sum or sums not exceeding in the whole at any time the actual amount of the capital stock *bona fide* subscribed and paid up, by the issue of bonds or debentures, in such sums of not less than one hundred dollars, on such terms and credit as they think proper, and may thereby pledge or mortgage all the property, tolls and income of the Company or any part thereof (as may be expressed upon the face of any bond or debenture) for the repayment of the moneys so raised or borrowed, and the interest thereon: Provided always, that the consent of two-thirds in value of the stockholders of the Company present, or represented by proxy, at a special meeting to be called and held for either or both of the purposes aforesaid, shall be first had and obtained: Provided always, that due notice of the holding of such meeting shall have been given in some newspaper published in the City of Toronto at least two weeks before such meeting is held.

Proviso.

Prov so.

16. No stockholder shall be personally liable for the promises, contracts, debts, undertakings, tolls or liabilities of said Company beyond the amount remaining unpaid upon stock held by him, and to that extent only after the other assets, if any, of said Company shall be realized upon.

Liability of shareholders.

17. The Council of the said City and of any of the said adjoining Municipalities, or any of them, and the said Company are hereby respectively authorized to make and to enter into any agreements or covenants relating to the construction of the said Railway, for the paying, macadamizing, repairing, grading and cleaning of the streets and highways, and the construction, opening up and repairing of drains and sewers, and the laying of gas and water-pipes in said streets and highways, and location of the railway, and the particular streets along which the same shall be laid, the pattern of rails, the time and speed of running the cars, the time within which the road shall be commenced and the time of completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic: Provided, that the powers contained in this Act shall remain in abeyance until the agreements hereinbefore in this clause mentioned shall have been entered into and made by and between the several parties hereinbefore mentioned.

Council of city and of municipalities may agree

18. The said City and the said Municipalities are hereby authorized to pass any by-laws, and to amend, repeal or enact the same for the purpose of carrying into effect any such agreement or covenant, and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for enjoining obedience thereto, and also for the facilitating the running of the Company's cars and sleighs, and for regulating the traffic and conduct

By-laws of city, etc.

conduct of all parties travelling upon the streets and highways through which the said Railway may pass.

Power to purchase or hire rolling-stock etc.

19. It shall be lawful for the said Company to enter into and carry out to completion any agreement with any person or persons, or body corporate, hereafter acquiring the power or right to construct and work Street Railways in the said City of Toronto or now having or hereafter acquiring such power in adjoining Municipalities, for leasing, hiring, or purchasing the plant and rolling-stock belonging to any such person or persons, or body corporate, or for making running arrangements or amalgamating with any such person or persons or body corporate, such agreement to be approved by two-thirds of the shareholders, voting in person or by proxy, at a special general meeting to be held for that purpose, in accordance with this Act; and every such agreement, when so approved, shall be valid and binding, and shall be enforced by Courts of Law, according to the terms and tenor thereof, and any company or individual accepting and executing any such lease or agreement is hereby empowered to exercise all the right and privileges, in respect of such agreement, in this Charter conferred.

Conveyances of land.

20. Conveyances of lands to the said Company for the purposes of and powers given by this Act, made in the form set out in Schedule "A," hereunder written, or similar ones, shall be sufficient conveyance to the said Company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively, of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no Registrar shall be entitled to demand more than seventy-five cents for the registration of the same, including all entries and certificates thereof and certificate endorsed on the duplicate thereof.

21. Nothing in this Act contained shall be construed to impair the rights, powers, or privileges vested in the Toronto Street Railway Company, or to authorize any agreement or by-law in violation or diminution thereof.

SCHEDULE "A."

Know all men by these presents that I (or we) [*insert the name or names of the vendor or vendors*], in consideration of dollars, paid to me (or us), by the Metropolitan Street Railway Company of Toronto, the receipt whereof is hereby acknowledged, do grant and convey all that certain parcel (or those certain parcels, as the case may be) of land, situate

situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of the said Railway, to hold with the appurtenances unto the said the Metropolitan Street Railway Company of Toronto, their successors and assigns [*here insert any other clauses, covenants, or conditions required*], and I (*or we*), the wife (*or wives*) of the said hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seal*)
 this day of , A.D. 18
 Signed, sealed and delivered {
 in presence of }

CHAP. 85.

An Act respecting the Toronto Street Railway Company.

[Assented to 2nd March, 1877.]

WHEREAS the Corporation of the City of Toronto have, by Preamble.
 their petition, prayed for certain amendments to the Toronto Street Railway Company's Acts, and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section two of section one of thirty-ninth Victoria, 39 V.c. 63 sec. chapter sixty-three, is hereby repealed, and the following 1, sub-sec. 2, repealed,
 inserted in lieu thereof:—

(2) "The said Toronto Street Railway Company shall be bound to construct, renew, maintain and keep in good order and repair the roadway between the rails, and for one foot and six inches outside each rail, using for that purpose the same material and mode of construction as that which may from time to time be adopted and used for the remaining portion of the street by the Corporation of the Municipality in which the road or street is situate; Provided that where the Corporation of the City of Toronto adopts and uses on any street or portion of street traversed by the said Railway a permanent pavement of wood, stone, asphalt or other material of the like permanent character, the said Street Railway Company shall not in such case be bound to construct the same or to pay more than the cost price of such pavement over the space between their rails and for one foot six inches outside of each rail, and as against the said Company such price shall not exceed in any case the sum of two dollars and fifty cents per square yard.

39 V., c. 63,
s. 1 amended.

Street Railway
upon notice to
renew the ma-
terial of their
roadway in ac-
cordance with
that used by
the city for the
rest of the road

City to pay
damages sus-
tained by Com-
pany if notice
given and no
action taken.

If City make a
change in the
material used,
the Company
to receive
compensation
for the existing
materials.

2. Section one of the said Act is hereby amended by adding thereto the following sub-sections which shall stand as sub-sections four and five of said section one.

4. In case the Corporation of the said City shall determine to construct or renew the paving or macadam on any street traversed by the said Railway, the said Company shall be bound within one month after the receipt of notice in writing, requiring them to do so, (in which notice shall be specified the nature of the material or kind of pavement intended to be used, the street on which it is to be used, and the time when the work is to be commenced,) to construct or renew, subject to the provisions of this Act, the paving or macadam on their roadway, and for one foot and six inches outside each rail, using the same material and mode of construction as that used for the remaining portions of the street by the Corporation of the said City, and to carry on the work of construction or renewal with all reasonable despatch to the satisfaction of the City Engineer of the said City of Toronto, and in the event of the said Company failing to do so the said Engineer may cause such work to be done at the expense of the said City, and of the amount so expended an amount not exceeding the sum of two dollars and fifty cents per square yard, shall be recoverable against the said Company in any Court of competent jurisdiction, or by assessment as hereinafter provided, and the work of construction or renewal shall be proceeded with simultaneously over the roadway of the said Company, and the remainder of the street, whether the said Company shall conform to the notice aforesaid, or the said Corporation shall perform the work under the power conferred on it in this sub-section.

5. If the said Corporation give the notice mentioned in next preceding sub-section and do not themselves proceed according to the terms thereof within the time thereby limited, they shall be liable to pay to the Railway Company such damages as may have been thereby occasioned to the said Railway Company.

3. Whenever the Corporation of the said City shall change the kind of paving, not being macadam, cobble stone or boulder stone, hereafter to be constructed on any street traversed by the said Railway, before such paving is worn out whereby the same is dispensed with, the Corporation shall be bound to make good to the said Company the value of the existing paving for the purposes of the said Company, the amount thereof to be ascertained in case of dispute by arbitration under the provisions of the Municipal Acts then in force: Provided, that this section shall not apply to paving which the said Company shall not have hereafter constructed or paid for; and provided also, that the determination of the City Engineer evidenced by his certificate in writing shall be conclusive evidence that the paving is worn out or not, according to the terms of such certificate.

4. In every case of construction or renewal of any kind of permanent pavement upon any of the streets occupied by the said Street Railway Company, the said Company shall have the option of constructing their portion of any such pavement, or, at their request, the said Corporation of the City of Toronto shall construct the same, and in every such case the said Corporation shall assess an annual rate, covering interest and sinking fund, extending over the like period as that upon which the assessment upon the adjacent rate-payers is adjusted, upon the said Company for the cost thereof, not exceeding the said sum of two dollars and fifty cents per square yard, with full power to the said Corporation to raise such sum by an issue of debentures and to collect the same in the manner provided under the Municipal Act for the construction of local improvements.

Company may construct their portion of permanent pavement or request city to do so.

5. If the Corporation of the City of Toronto shall at any time elect to assume the said Street Railway under the provisions of the agreement and by-law in that behalf, the arbitrators appointed to determine the value of the real and personal property of the said Company shall also estimate as an asset of the said Company the value to the said Company of any permanent pavement hereafter constructed or paid for by the said Company for the balance of the life of the said pavement.

If city assume the Railway value of permanent pavement constructed by Co. to be reckoned as an asset of the Company.

CHAP. 86.

An Act respecting the St. Catharines Street Railway Company.

[Assented to 2nd March, 1877.]

WHEREAS the St. Catharines Street Railway Company have petitioned for an extension of the time granted by their Act of Incorporation for the commencement of their road, and whereas the allowance of such extension of time is expedient;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The period within which the said road and its extension to the Municipalities of Grantham, Port Dalhousie, Merriton and Thorold, provided for by the Act of Incorporation of the said Company, was to have been commenced, shall be, and the same is hereby extended for two years from the passing of this Act and to the end of the then next ensuing Session of the Legislature.

Time for commencing Railway under 38 V. c. 63 extended.

CHAP. 87.

An Act for the admission of William E. Idsardi as a
Provincial Land Surveyor.

[Assented to 2nd March, 1877.]

Preamble.

WHEREAS William E. Idsardi, of the Town of St. Thomas, in the County of Elgin, in the Province of Ontario, gentleman, has by his petition set forth that having adopted as a profession that of a Provincial Land Surveyor, and being prepared to pass any preliminary examination required of him, and having served as Land Surveyor and Civil Engineer for seven years, five years of which service was in the survey, and during the construction of the Canada Southern Railway, and not having been bound under articles, consequently articles of apprenticeship, according to the Act made and provided, were not formally filed, and by reason thereof he was unable to undergo the final examination requisite to his admittance to the profession of a Provincial Land Surveyor, and has prayed that an Act may be passed authorizing the Board of Examiners to admit him as a Provincial Land Surveyor, without having to serve three years under articles, after such preliminary and final examinations have been made and passed by the said William E. Idsardi, to the full satisfaction of the Board of Examiners, and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to admit
W. E. Idsardi
as a P. L. S.

1. It shall and may be lawful for the Board of Examiners, in their discretion and upon payment of the usual fees therefor, at any time to admit William E. Idsardi as a Provincial Land Surveyor on his passing the usual preliminary and final examinations.

CHAP. 88.

An Act to make verbal corrections in certain Acts of the present Session.

[Assented to 2nd March, 1877.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Act of the present Session entitled “An Act to incorporate the Leamington, Comber and Lake St. Clair Railway Company,” is hereby amended by striking out the words “or Quebec” in the twenty-third line of section twenty-two. Chapter 72 s.
22, amended.

2. The Act of the present Session entitled “An Act to incorporate the Niagara and St. Catharines Railroad and Steamboat Company,” is hereby amended by striking out the words “in the Province of Ontario” in the third and fourth lines of section five, and substituting therefor the words “which are subject to the authority of the Legislature of this Province, and are lawfully authorized in that behalf;” and by inserting the word “such” before the word “company” in the ninth line and before the word “railway” in the thirtieth line of the same section. Chapter 73 s.
5, amended.

3. The Act of the present Session entitled “An Act respecting the City of Toronto, the Toronto Water Works and other matters,” is hereby amended by inserting the words “so paved” after each of the words “street” and “thereof” in the thirty-first line of section thirteen. Chapter 39 s.
13, amended.

4. The Act of the present Session entitled “An Act to incorporate the “People’s Gas Company” is hereby amended by substituting the word “five” for the word “seven” in the first line of section fifteen. Chapter 67 s.
15, amended.

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